

E-filing

1 TIMOTHY J. MCCAFFERY, State Bar No. 154668
tjm@llcllp.com

2 LEORA R. RAGONES, State Bar No. 215423
lrages@llcllp.com

3 LOMBARDI, LOPER & CONANT, LLP
Lake Merritt Plaza

4 1999 Harrison Street, Suite 2600
Oakland, CA 94612-3541

5 Telephone: (510) 433-2600
Facsimile: (510) 433-2699

6 Attorneys for Defendant
7 CAL STATE 9 CREDIT UNION

8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA

ORIGINAL
FILED
JUL 29 2008
RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND

ADR

C08-03635

SC

11 SADIE MARIE FORD, as personal
12 representative of CLYDEL PERRY,
deceased,

13 Plaintiff,

14 v.

15 CAL STATE 9 CREDIT UNION,
16 a California Corporation; and
DOES 1 through 20, inclusive,

17 Defendants.

Case No.

DEFENDANT CAL STATE 9 CREDIT
UNION'S NOTICE OF REMOVAL OF
CASE TO FEDERAL COURT

18
19 Defendant Cal State 9 Credit Union, through its Liquidating Agent the National Credit
20 Union Administration Board, ("Defendant") respectfully alleges as follows:

21 1. Plaintiff filed a Complaint against Cal State 9 Credit Union on November 29,
22 2007 in the Superior Court of the State of California, County of Alameda, entitled Sadie Marie
23 Ford v. Cal State 9 Credit Union, et al., Case No. RG07358634. A true and correct copy of the
24 unverified Complaint is attached hereto as Exhibit A.

25 2. Cal State 9 Credit Union was served with the unverified Complaint on December
26 3, 2007. See Summons Attached as Exhibit B.

27 3. Cal State 9 Credit Union filed an Answer to Plaintiff's Unverified Complaint in
28 the Superior Court for the County of Alameda on January 8, 2008. A copy of the Answer is

1 attached hereto as Exhibit C.

2 4. On June 30, 2008, Cal State 9 Credit Union was placed into involuntary
3 liquidation, and the National Credit Union Administration Board was appointed Liquidating
4 Agent of the credit union pursuant to the provisions of 12 U.S.C. §1787(a)(3). A copy of the
5 Notice of Involuntary Liquidation is attached as Exhibit D.

6 5. By operation of law, the Liquidating Agent succeeds to all rights, titles, powers,
7 and privileges of the credit union. *See* 12 U.S.C. §1787(b)(2)(A)(i). Pursuant to 12 U.S.C.
8 §1789, the Liquidating Agent is empowered to be sued and defend in any court of law or equity,
9 and, accordingly, will move for an order substituting the Liquidating Agent as the defendant in
10 this case.

11 6. Pursuant to 28 U.S.C. §1446(b), this Notice of Removal, which is filed within 30
12 days of the appointment of the Liquidating Agent is timely.

13 7. The removal of this claim against Defendant to this Court is proper under
14 28 U.S.C. § 1441(a) because this is a civil action brought in a state court over which the district
15 courts of the United States have original jurisdiction, and this District Court embraces the place
16 in which the state action is pending.

17 8. This Court has original jurisdiction over this action pursuant to 12 U.S.C.
18 §1789(a)(2). Section 1789(a)(2) provides:

19 All suits of a civil nature at common law or equity to which the
20 Board shall be a party shall be deemed to rise under the laws of the
21 United States, and the United States district courts shall have
22 original jurisdiction thereof, without regard to the amount in
23 controversy. The Board may, without bond or security, remove any
24 such action, suit, or proceeding from a State court to the United
25 States district or division embracing the place where the same is
26 pending by following any procedure for removal now or hereafter
27 in effect.

28 9. Written notice of the filing of this Notice of Removal of the above action is being
delivered to plaintiff through counsel of record.

10. A copy of the Notice of Removal of Case to Federal Court that will be filed with
the California Superior Court is attached hereto as Exhibit E.

///

1 11. A complete copy of the pleadings from the file of the Superior Court of the State
2 of California, County of Alameda, Sadie Marie Ford v. Cal State 9 Credit Union, et al., Case No.
3 RG07358634, is attached hereto as Exhibit F.

4 WHEREFORE, Defendant prays that this action be removed to this Court.

5
6 DATED: July 29, 2008

LOMBARDI, LOPER & CONANT, LLP

8 By: 

9 LEORA R. RAGONES
10 Attorneys for Defendant
11 CAL STATE 9 CREDIT UNION
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

LOMBARDI, LOPER & CONANT, LLP

Lake Merritt Plaza

1999 Harrison Street, Suite 2600

Oakland, CA 94612-3541

EXHIBIT A



Christine A. Chorney, Esq. SBN 070439
 CASALINA & DISSTON
 418 Third Street, Suite 101
 Oakland, California 94607
 Telephone (510) 835-8110
 Facsimile (510) 835-1719

Attorneys for Petitioner
 Sadie Marie Ford

FILED
ALAMEDA COUNTY

NOV 29 2007

CLERK OF THE SUPERIOR COURT
 By Paula B. B. B.

SUMMONS ISSUED

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

SADIE MARIE FORD, as personal
 representative of CLYDEL PERRY,
 deceased,

Plaintiff,

v.

CAL STATE 9 CREDIT UNION, a
 California corporation, and
 DOES 1 through 20,
 inclusive,

Defendants.

CASE NO.

RG 07358634

COMPLAINT FOR MONEY

Plaintiff SADIE MARIE FORD alleges:

1. Plaintiff is the duly appointed, qualified, and acting
 personal representative of the estate of CLYDEL PERRY, deceased,
 by virtue of an order duly made that has become final in a
 proceeding in the Superior Court of California, County of Alameda,
 titled Estate of CLYDEL PERRY, deceased, Case No. RP 06-290762,

1 and brings this action in such capacity. Letters Testamentary were
2 issued to plaintiff therein on November 14, 2006 and are in full
3 force and effect.

4 2. Defendant CAL STATE 9 CREDIT UNION is, and at all times
5 herein mentioned was, a corporation duly organized and existing
6 under the laws of the State of California and doing business as a
7 credit union, with its principal place of business in Concord, in
8 the County of Contra Costa, California.

9 3. Plaintiff is ignorant of the true and names and
10 capacities of defendants sued herein as DOES 1 through 20,
11 inclusive, and therefore sues these defendants by such fictitious
12 names. Plaintiff will amend this complaint to allege their true
13 and names and capacities when ascertained. Plaintiff is informed
14 and believes and thereon alleges that each of such fictitiously
15 named defendants is responsible in some manner for the occurrences
16 herein alleged, and that plaintiff's damages as herein alleged
17 were proximately caused by such defendants.

18 4. At all times herein mentioned defendants DOES 1 through
19 20 were the agents, servants, and employees of their co-
20 defendants, and in doing the things hereinafter alleged were
21 acting in the scope of their authority as such agents, servants,
22 and employees, and with the permission and consent of their co-
23 defendants.

24 5. Plaintiff is informed and believes and thereon alleges
25 that prior to March 6, 2006 plaintiff's decedent, CLYDEL PERRY,
26 had on deposit with defendants CAL STATE 9 CREDIT UNION and DOES 1
27
28

1 through 10, inclusive, the sum of \$177,662.12, plus interest
2 accrued thereon, in account no. 79097, at defendants' branch
3 located in Concord, California.

4 6. Plaintiff is informed and believes and thereon alleges
5 that on or about March 6, 2006 defendants, and each of them, paid
6 the money on deposit in the aforesaid account to one Joyce Jeter
7 or other person who was not authorized or entitled to receive the
8 money on deposit in the aforesaid account.

9 7. On or about July 16, 2007 plaintiff, as the personal
10 representative of the estate of CLYDEL PERRY, demanded that
11 defendants and each of them, transfer the sum of \$177,662.12, plus
12 interest accrued thereon, to plaintiff.

13 8. Defendants have failed and refused, and still fail and
14 refuse to pay to plaintiff the sum of \$177,662.12, plus interest
15 accrued thereon, or any part thereof, despite plaintiff's demand;
16 the sum of \$177,662.12 plus interest accrued thereon is now due,
17 owing and unpaid from defendants to plaintiff.

18 WHEREFORE, plaintiff prays judgment against defendants, and
19 each of them, as follows:
20

21 1. For the sum of \$177,662.12;

22 2. For interest on the aforesaid sum at ten (10) percent
23 per annum from March 6, 2006;

24 3. For costs of suit herein incurred; and

25 //

26 //

27 //

//

4. For such other and further relief as the court deems
just and proper.

Dated: November 27, 2007

CASALINA & DISSTON

By:

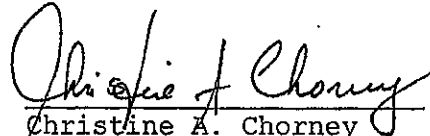

Christine A. Chorney
Attorney for Plaintiff
Sadie Marie Ford

EXHIBIT B

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

CAL STATE 9 CREDIT UNION, a California corporation,
and DOES 1 through 20, inclusive.

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

SADIE MARIE FORD, as personal representative of
CLYDEL PERRY, deceased

FOR COURT USE ONLY
(SOLO PARA USQ DE LA CORTE)

ENDORSED
FILED
ALAMEDA COUNTY

NOV 29 2007

CLERK OF THE SUPERIOR COURT

By E. BAKER

Deputy

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia. Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):

Superior of California
County of Alameda, Unlimited Civil Jurisdiction
1225 Fallon Street, Oakland, CA 94612

CASE NUMBER
(Número del caso)

2007358634

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Christine A. Chorney, Esq. SBN 070439

CASALINA & DISSTON, 418 Third Street, Suite 101, Oakland, CA 94607 (510) 835-8110 (510) 835-1719

DATE: **NOV 29 2007**
(Fecha)

Clerk, by E. BAKER Deputy
(Secretario) (Adjunto)

Pat S. Sweeten

(Secretary)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010)).
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):
3. ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
4. ☐ by personal delivery on (date):

Page 1 of 1



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Christine A. Chorney, Esq. SBN 070439 CASALINA & DISSTON 418 Third St., Suite 101 Oakland CA 94607 TELEPHONE NO.: 510-835-8110 FAX NO. (Optional): 510-835-1719		FILED ALAMEDA COUNTY DEC 07 2007 CLERK OF THE SUPERIOR COURT By <u>[Signature]</u> Deputy
E-MAIL ADDRESS (Optional): ATTORNEY FOR (Name): Sadie Marie Ford as personal rep of Clydel Perry, deceased		
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: 1225 Fallon St., MAILING ADDRESS: CITY AND ZIP CODE: Oakland CA 94612 BRANCH NAME:		
PLAINTIFF/PETITIONER: Sadie Marie Ford as pers rep of Clydel Perry, DECEASED DEFENDANT/RESPONDENT: Cal State 9 Credit Union		CASE NUMBER: RG07358634
PROOF OF SERVICE OF SUMMONS		Ref. No. or File No.:

(Separate proof of service is required for each party served.)

1. At the time of service I was at least 18 years of age and not a party to this action.
2. I served copies of:
 - a. ☒ summons
 - b. ☒ complaint
 - c. ☐ Alternative Dispute Resolution (ADR) package
 - d. ☐ Civil Case Cover Sheet (served in complex cases only)
 - e. ☐ cross-complaint
 - f. ☐ other (specify documents):
3. a. Party served (specify name of party as shown on documents served):
Cal State 9 Credit Union
- b. ☒ Person (other than the party in item 3a) served on behalf of an entity or as an authorized agent (and not a person under item 5b on whom substituted service was made) (specify name and relationship to the party named in item 3a):
Dorothy Osuna, Front Desk Coordinator for Cal State 9 Credit Union
4. Address where the party was served:
3000 Clayton Rd., Concord CA
5. I served the party (check proper box)
 - a. ☐ by personal service. I personally delivered the documents listed in item 2 to the party or person authorized to receive service of process for the party (1) on (date): (2) at (time):
 - b. ☒ by substituted service. On (date): Dec 3, 2007 at (time): 2:25PM I left the documents listed in item 2 with or in the presence of (name and title or relationship to person indicated in item 3):
Dorothy Osuna, Front Desk Coordinator for Cal State 9 Credit Union
 - (1) ☒ (business) a person at least 18 years of age apparently in charge at the office or usual place of business of the person to be served. I informed him or her of the general nature of the papers.
 - (2) ☐ (home) a competent member of the household (at least 18 years of age) at the dwelling house or usual place of abode of the party. I informed him or her of the general nature of the papers.
 - (3) ☐ (physical address unknown) a person at least 18 years of age apparently in charge at the usual mailing address of the person to be served, other than a United States Postal Service post office box. I informed him or her of the general nature of the papers.
 - (4) ☒ I thereafter mailed (by first-class, postage prepaid) copies of the documents to the person to be served at the place where the copies were left (Code Civ. Proc., § 415.20). I mailed the documents on (date): Dec 3, 07 from (city): Oakland CA or ☐ a declaration of mailing is attached.
 - (5) ☐ I attach a declaration of diligence stating actions taken first to attempt personal service:

Page 1 of 2

PLAINTIFF/PETITIONER: Sadie Marie Ford as pers rep of Clydel Perry	CASE NUMBER: RG07358634
DEFENDANT/RESPONDENT: Cal State 9 Credit Union	

5. c. ☐ by mail and acknowledgment of receipt of service. I mailed the documents listed in item 2 to the party, to the address shown in item 4, by first-class mail, postage prepaid,
- (1) on (date): (2) from (city):
- (3) ☐ with two copies of the Notice and Acknowledgment of Receipt and a postage-paid return envelope addressed to me. (Attach completed Notice and Acknowledgment of Receipt.) (Code Civ. Proc., § 415.30.)
- (4) ☐ to an address outside California with return receipt requested. (Code Civ. Proc., § 415.40.)
- d. ☐ by other means (specify means of service and authorizing code section):

☐ Additional page describing service is attached.

6. The "Notice to the Person Served" (on the summons) was completed as follows:

- a. ☐ as an individual defendant.
- b. ☐ as the person sued under the fictitious name of (specify):
- c. ☐ as occupant.
- d. ☒ On behalf of (specify): Cal State 9 Credit Union

under the following Code of Civil Procedure section:

- | | |
|-------------------------------------------------------------------|-----------------------------------------------------------------------|
| <input checked="" type="checkbox"/> 416.10 (corporation) | <input type="checkbox"/> 415.95 (business organization, form unknown) |
| <input type="checkbox"/> 416.20 (defunct corporation) | <input type="checkbox"/> 416.60 (minor) |
| <input type="checkbox"/> 416.30 (joint stock company/association) | <input type="checkbox"/> 416.70 (ward or conservatee) |
| <input type="checkbox"/> 416.40 (association or partnership) | <input type="checkbox"/> 416.90 (authorized person) |
| <input type="checkbox"/> 416.50 (public entity) | <input type="checkbox"/> 415.46 (occupant) |
| | <input type="checkbox"/> other: |

7. Person who served papers

- a. Name: R.L. Couture
- b. Address: 2325 McKinley Ave., #18 Berkeley CA
- c. Telephone number: 510-717-3073
- d. The fee for service was: \$ 85.00

e. I am:

- (1) ☒ not a registered California process server.
- (2) ☐ exempt from registration under Business and Professions Code section 22350(b).
- (3) ☐ a registered California process server:
- (i) ☐ owner ☐ employee ☐ independent contractor.
- (ii) Registration No.:
- (iii) County:

8. ☒ I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

or

9. ☐ I am a California sheriff or marshal and I certify that the foregoing is true and correct.

Date: Dec 3, 2007

R.L. Couture

(NAME OF PERSON WHO SERVED PAPERS/SHERIFF OR MARSHAL)

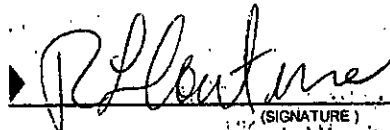

(SIGNATURE)

EXHIBIT C



FILED
ALAMEDA COUNTY

JAN 08 2008

CLERK OF THE SUPERIOR COURT
By Jacobs Perry Deputy

1 PATRICIA H. LYON, State Bar No. 126761
2 JAMES H. FRENCH, State Bar No. 53555
3 FRENCH & LYON
4 A Professional Corporation
5 22 Battery Street, Suite 404
6 San Francisco, CA 94111
7 Telephone: (415) 597-7849
8 Facsimile: (415) 243-8200
9
10 Attorneys for Defendant,
11 CAL STATE 9 CREDIT UNION

12
13 SUPERIOR COURT OF UNLIMITED JURISDICTION
14
15 STATE OF CALIFORNIA
16
17 COUNTY OF ALAMEDA
18

19 SADIE MARIE FORD, as personal
20 representative of CLYDEL PERRY, deceased,

21 Plaintiff,

22 v.

23 CAL STATE 9 CREDIT UNION, a California
24 corporation, and DOES 1 through 20, inclusive,

25 Defendants.
26

Case No. RG07358634

DEFENDANT CAL STATE 9 CREDIT
UNION'S ANSWER TO PLAINTIFF'S
COMPLAINT FOR MONEY

27 Defendant CAL STATE 9 CREDIT UNION, a California Credit Union (hereinafter
28 "Defendant") answers Plaintiff's unverified Complaint for Money as follows:

GENERAL DENIAL

Pursuant to *California Code of Civil Procedure* §431.40(d), Defendant generally denies
each and every allegation contained in the unverified Complaint, and each of its purported causes
of action.

As and for separate and affirmative defenses to the Complaint, and each of its purported
causes of action, Defendant alleges as follows:

///
///
///

///

FIRST AFFIRMATIVE DEFENSE

1
2 1. The Complaint, and each of its purported causes of action, fails to state facts
3 sufficient to constitute a cause of action against Defendant.

SECOND AFFIRMATIVE DEFENSE

4
5 2. Plaintiff suffered no general or special damages as a result of any conduct of
6 Defendant, and any such damages were the result of other causes and/or the acts or omissions of
7 others, including Plaintiff.

THIRD AFFIRMATIVE DEFENSE

8
9 3. Plaintiff failed to mitigate the damages and/or injuries (which damages and/or
10 injuries are expressly denied) referred to in the Complaint.

FOURTH AFFIRMATIVE DEFENSE

11
12 4. Any damages and/or injuries allegedly suffered by Plaintiff (which damages
13 and/or injuries are expressly denied) are barred as speculative and not foreseeable to Defendant.

FIFTH AFFIRMATIVE DEFENSE

14
15 5. No act or omission of Defendant was a substantial factor in bringing about the
16 alleged damages, which damages are expressly denied, of Plaintiff, nor was any act or omission a
17 contributing cause thereof, any alleged acts or omissions of Defendant, which acts or omission
18 are expressly denied, were superseded by the acts or omissions of others, including Plaintiff,
19 and/or other individuals or entities, whether or not named in the Complaint herein, which were
20 the independent, intervening, and proximate causes of damage or loss allegedly sustained by
21 Plaintiff.

SIXTH AFFIRMATIVE DEFENSE

22
23 6. The injuries and damages of which Plaintiff complains, which injuries or damages
24 are expressly denied, were proximately caused by the negligence, and other fault of other
25 persons, firms, and corporations, including Plaintiff, and other Defendants, and should judgment
26 be rendered against Defendant, which should not occur, such judgment should be reduced,
27 abated, and discharged in accordance with the percentage of negligence or other fault charged
28 against such other persons, firms, and corporations, including Plaintiff, and other Defendants.

SEVENTH AFFIRMATIVE DEFENSE

7. Defendant is informed and believes, and thereon alleges, that Plaintiff lacks standing to sue on the claims alleged and therefore is barred from recovery.

EIGHTH AFFIRMATIVE DEFENSE

8. Defendant is informed and believes, and thereon alleges, that Plaintiff lacks the capacity to sue on the claims alleged and therefore is barred from recovery.

NINTH AFFIRMATIVE DEFENSE

9. Defendant is informed and believes, and thereon alleges, that Plaintiff has failed to join parties with a material interest in the account that is the subject of this litigation, or that there is otherwise a defect or misjoinder of parties requiring that the action be dismissed.

TENTH AFFIRMATIVE DEFENSE

12. Each of Plaintiff's purported claims is barred by applicable statutes of limitations, including, but not limited to *California Code of Civil Procedure* Sections 337, 338, 339, 340, 340(c), 343, and 352.1, and *California Commercial Code* Sections 4401, 4401(a), 4406, 4406(d), 4406(f), and 4111.

ELEVENTH AFFIRMATIVE DEFENSE

11. If it should be established that Defendant is in any manner legally responsible for Plaintiff's alleged damages, which damages are denied, then Defendant is entitled to indemnity and/or contribution from the other parties named in this litigation or as yet unnamed in this litigation in direct proportion to the negligence or other actionable conduct which proximately caused or contributed to the alleged damages, if any.

TWELFTH AFFIRMATIVE DEFENSE

12. Plaintiff's Complaint and each purported cause of action are barred under the equitable doctrines of waiver, unclean hands or estoppel.

PRAYER

WHEREFORE, Defendant prays for judgment as follows:


a. That Defendant has judgment against Plaintiff, and that Plaintiff takes nothing by reason of the Complaint herein;

- 1 b. That Defendant recover its costs; and
2 c. That this Court grants Defendant such other and further relief as it may deem just
3 and proper.

4 Dated: January 2, 2008

5 FRENCH & LYON
6 A Professional Corporation

7
8 By


9 JAMES H. FRENCH
10 Attorneys for Defendant,
11 CAL STATE 9 CREDIT UNION,
12 a California credit union

PROOF OF SERVICE

CASE NAME: Sadie Marie Ford v. Cal State 9 Credit Union
 COURT: Alameda County Superior Court, Unlimited Jurisdiction
 CASE NO.: RG07358634

I, MARY WOODWARD, declare:

I am over the age of eighteen years and not a party to the within action. I am employed by the law firm of French & Lyon, 22 Battery Street, Suite 404, San Francisco, California 94111.

On January 2, 2008, I served the following documents described as: Defendant Cal State 9 Credit Union's Answer to Plaintiff's Complaint for Money on the interested parties in this action by placing a true copy thereof, enclosed in a sealed envelope, postage prepaid, and addressed as follows:

Christine A. Chorney, Esq.
 Casalina & Disston
 418 Third Street, Suite 101
 Oakland, CA 94607
 Telefax: (510) 835-1719

X **Facsimile Transmission** - I caused served the documents in this matter via facsimile transmission. True and correct copies of the facsimile transmission coversheet and transmission report, indicating that the transmission and receipt of said documents are contained in the file of sender herein and will be filed with the Court, if the Court deems it necessary.

X **By First Class Mail** - I am readily familiar with the firm's practice for collection and processing of correspondence, pleading and notices for mailing with the United States Postal Service. It is deposited with the United States Postal Service in the ordinary course of business on the same it is processed for mailing. I caused such envelope(s) to be deposited in the mail at San Francisco, California. The envelope was mailed with postage thereon fully prepaid.

X **State Court** - I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that service was made under the direction of an active member of the State Bar of California and who is not a party to the cause.

Executed on January 2, 2008, at San Francisco, California.


 MARY WOODWARD

EXHIBIT D



National Credit Union Administration
REGION V

UNITED STATES OF AMERICA
NATIONAL CREDIT UNION ADMINISTRATION

In The Matter Of The Liquidation Of)

CAL STATE 9 CREDIT UNION,)
Certificate NO. 64449)

NCUA Docket No. 08-0023-R5

NOTICE OF INVOLUNTARY LIQUIDATION

The National Credit Union Administration ("NCUA"), pursuant to section 207(a)(3) of the Federal Credit Union Act ("Act"), 12 U.S.C. §1787(a)(3), hereby places Cal State 9 Credit Union ("Cal State 9 CU") into involuntary liquidation. The NCUA Board hereby appoints itself Liquidating Agent of Cal State 9 CU.

The liquidation of Cal State 9 CU is effective upon delivery of this Notice. You are hereby ordered to cause the immediate release of all of Cal State 9 CU's books, records, assets and property of every description to the sub-agents of the Liquidating Agent.

Authority to Liquidate. The NCUA Board is authorized to liquidate a State-chartered credit union that is determined to be "critically undercapitalized" under prompt corrective action. 12 U.S.C. §1787(a)(3)(A)(ii).

Net Worth Classification. Cal State 9 CU is determined to be "critically undercapitalized" as defined by 12 U.S.C. 1790d(c)(1)(E). The present cash values of the asset and liability account records of Cal State 9 CU, as of May 31, 2008, show net assets of \$18,392,688 against recorded shares and deposits totaling \$229,407,136, reflecting a net worth ratio of negative 172.83 percent (-172.83%).

Appointment of Sub-Agents. Pursuant to 12 U.S.C. §§1766(d), 1766(i), 1787(b), 1789(a)(10), the NCUA Board is authorized to appoint agents to assist it in carrying out its duties as Liquidating Agent. By Delegation of Authority, the Regional Director and the President of NCUA's Asset Management and Assistance Center ("AMAC") are authorized to appoint agents for the Liquidating Agent. Accordingly, the Regional Director hereby appoints the following persons as sub-agents of the NCUA Board as Liquidating Agent of Cal State 9 CU:

1. David Hibshman, Associate Regional Director-Operations
2. Don Klein, Deputy to the President - AMAC
3. Michael Dyer, Director of Special Actions
4. Victoria Bennett, Problem Case Officer
5. Max Peebles, Liquidation Analyst

Authority of Sub-Agents. Each person appointed to serve as an agent of the NCUA Board as Liquidating Agent of Cal State 9 CU possesses the authority normally delegated to a liquidating and claims agent including, but not limited to, the authority to appoint additional sub-agents; to take possession of books, records, assets and property of the credit union; to sell, enforce collection of and liquidate all such assets and property; to compound all bad and doubtful debts; to sue in the agent's name and in the name of the credit union and to defend such actions as may be brought against the credit union; to receive, examine and pass upon claims made against the credit union and the National Credit Union Share Insurance Fund; to make distribution and payment to creditors and members as their interest may appear; and to execute such documents and to do such other acts as may be necessary or desirable to wind up the affairs of the closed credit union.

In connection with the authority to execute documents on behalf of a credit union in liquidation, each sub-agent is hereby authorized and empowered in the name and on behalf of the Liquidating Agent of Cal State 9 CU to:

(a) Assign, extend, discharge in whole or in part, foreclose (including making an entry to foreclose) any mortgage of real or personal property standing in the name of Cal State 9 CU individually or held by Cal State 9 CU in any fiduciary capacity, also to subordinate the lien of any such mortgage to any other mortgage, to any lease, or to any other interest, and to initiate and to defend any action with respect to any such mortgage;

(b) Sell, lease, convey, grant assessments or other interest in, enter agreements with respect to, and to initiate and to defend any action with respect to any real estate acquired by Cal State 9 CU individually by virtue of the foreclosure of any mortgage or deed in lieu of such foreclosure or held by Cal State 9 CU in any fiduciary capacity;

(c) Sign, seal with the corporate seal, acknowledge and deliver all pleadings, affidavits, deeds, contracts, releases, discharges, certificates, leases, assents, grants and other instruments necessary or appropriate to carry out the foregoing powers, and such execution shall in each case be conclusive as to the authority of the executing officer; and

(d) Repudiate leases, contracts, agreements or other instruments to which Cal State 9 CU is a party if performance would be burdensome or would hinder the orderly administration of the affairs of Cal State 9 CU.

EXHIBIT E

LOMBARDI, LOPER & CONANT, LLP
Lake Merritt Plaza
1999 Harrison Street, Suite 2600
Oakland, CA 94612-3541

1 TIMOTHY J. MCCAFFERY, State Bar No. 154668
tjm@llcllp.com

2 LEORA R. RAGONES, State Bar No. 215423
lrages@llcllp.com

3 LOMBARDI, LOPER & CONANT, LLP
Lake Merritt Plaza

4 1999 Harrison Street, Suite 2600
Oakland, CA 94612-3541

5 Telephone: (510) 433-2600

6 Facsimile: (510) 433-2699

Attorneys for Defendant

7 CAL STATE 9 CREDIT UNION

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF ALAMEDA

10
11 SADIE MARIE FORD, as personal
12 representative of CLYDEL PERRY,
deceased,

13 Plaintiff,

14 v.

15 CAL STATE 9 CREDIT UNION,
a California Corporation; and
16 DOES 1 through 20, inclusive,

17 Defendants.

Case No. RG07358634

Assigned For All Purposes to
Judge David Hunter
Department 520

**DEFENDANT CAL STATE 9 CREDIT
UNION'S STATE NOTICE OF REMOVAL
OF CASE TO FEDERAL COURT**

Action Filed: November 29, 2007

18
19 TO PLAINTIFF AND HER ATTORNEYS OF RECORD:

20 NOTICE IS HEREBY GIVEN that Defendant CAL STATE 9 CREDIT UNION,
21 a California corporation, has filed its Notice of Removal of the above-captioned action, a copy of
22 which is attached hereto, with the United States District Court for the Northern District of
23 California.

24 ///

25 ///

26 ///

27 ///

28 ///

1 PLEASE TAKE FURTHER NOTICE that, pursuant to 28 U.S.C. Section 1446(d), the
2 filing of said Notice in the United States District Court, together with the filing of said Notice
3 with this Court, effects the removal of this action and the above-captioned Court may proceed no
4 further unless and until the case has been remanded.

5
6 DATED: July 29, 2008

LOMBARDI, LOPER & CONANT, LLP

By: 

LEORA R. RAGONES
Attorneys for Defendant
CAL STATE 9 CREDIT UNION

LOMBARDI, LOPER & CONANT, LLP
Lake Merritt Plaza
1999 Harrison Street, Suite 2600
Oakland, CA 94612-3541

LOMBARDI, LOPER & CONANT, LLP
Lake Merritt Plaza
1999 Harrison Street, Suite 2600
Oakland, CA 94612-3541

TIMOTHY J. MCCAFFERY, State Bar No. 154668
tjm@llcllp.com

LEORA R. RAGONES, State Bar No. 215423
lrages@llcllp.com

LOMBARDI, LOPER & CONANT, LLP
Lake Merritt Plaza
1999 Harrison Street, Suite 2600
Oakland, CA 94612-3541
Telephone: (510) 433-2600
Facsimile: (510) 433-2699

Attorneys for Defendant
CAL STATE 9 CREDIT UNION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

SADIE MARIE FORD, as personal
representative of CLYDEL PERRY,
deceased,

Plaintiff,

v.

CAL STATE 9 CREDIT UNION,
a California Corporation; and
DOES 1 through 20, inclusive,

Defendants.

Case No. _____

**DEFENDANT CAL STATE 9 CREDIT
UNION'S NOTICE OF REMOVAL OF
CASE TO FEDERAL COURT**

Defendant Cal State 9 Credit Union, through its Liquidating Agent the National Credit Union Administration Board, ("Defendant") respectfully alleges as follows:

1. Plaintiff filed a Complaint against Cal State 9 Credit Union on November 29, 2007 in the Superior Court of the State of California, County of Alameda, entitled Sadie Marie Ford v. Cal State 9 Credit Union, et al., Case No. RG07358634. A true and correct copy of the unverified Complaint is attached hereto as Exhibit A.

2. Cal State 9 Credit Union was served with the unverified Complaint on December 3, 2007. See Summons Attached as Exhibit B.

3. Cal State 9 Credit Union filed an Answer to Plaintiff's Unverified Complaint in the Superior Court for the County of Alameda on January 8, 2008. A copy of the Answer is

1 attached hereto as Exhibit C.

2 4. On June 30, 2008, Cal State 9 Credit Union was placed into involuntary
 3 liquidation, and the National Credit Union Administration Board was appointed Liquidating
 4 Agent of the credit union pursuant to the provisions of 12 U.S.C. §1787(a)(3). A copy of the
 5 Notice of Involuntary Liquidation is attached as Exhibit D.

6 5. By operation of law, the Liquidating Agent succeeds to all rights, titles, powers,
 7 and privileges of the credit union. *See* 12 U.S.C. §1787(b)(2)(A)(i). Pursuant to 12 U.S.C.
 8 §1789, the Liquidating Agent is empowered to be sued and defend in any court of law or equity,
 9 and, accordingly, will move for an order substituting the Liquidating Agent as the defendant in
 10 this case.

11 6. Pursuant to 28 U.S.C. §1446(b), this Notice of Removal, which is filed within 30
 12 days of the appointment of the Liquidating Agent is timely.

13 7. The removal of this claim against Defendant to this Court is proper under
 14 28 U.S.C. § 1441(a) because this is a civil action brought in a state court over which the district
 15 courts of the United States have original jurisdiction, and this District Court embraces the place
 16 in which the state action is pending.

17 8. This Court has original jurisdiction over this action pursuant to 12 U.S.C.
 18 §1789(a)(2). Section 1789(a)(2) provides:

19 All suits of a civil nature at common law or equity to which the
 20 Board shall be a party shall be deemed to arise under the laws of the
 21 United States, and the United States district courts shall have
 22 original jurisdiction thereof, without regard to the amount in
 23 controversy. The Board may, without bond or security, remove any
 24 such action, suit, or proceeding from a State court to the United
 25 States district or division embracing the place where the same is
 26 pending by following any procedure for removal now or hereafter
 27 in effect.

28 9. Written notice of the filing of this Notice of Removal of the above action is being
 delivered to plaintiff through counsel of record.

10. A copy of the Notice of Removal of Case to Federal Court that will be filed with
 the California Superior Court is attached hereto as Exhibit E.

///

11. A complete copy of the pleadings from the file of the Superior Court of the State of California, County of Alameda, Sadie Marie Ford v. Cal State 9 Credit Union, et al., Case No. RG07358634, is attached hereto as Exhibit F.

WHEREFORE, Defendant prays that this action be removed to this Court.

DATED: July 29, 2008

LOMBARDI, LOPER & CONANT, LLP

By: 

LEORA R. RAGONES
Attorneys for Defendant
CAL STATE 9 CREDIT UNION

LOMBARDI, LOPER & CONANT, LLP
Lake Merritt Plaza
1999 Harrison Street, Suite 2600
Oakland, CA 94612-3541

PROOF OF SERVICE

Sadie Marie Ford v. Cal State 9 Credit Union, et al.
Alameda Superior Court Case No.: RG07358634

I, Noelle Duncan, do hereby declare:

I am a citizen of the United States, over 18 years of age and not a party to the within action. I am employed in the County of Alameda; my business address is 1999 Harrison Street, Suite 2600, Oakland, CA 94612.

On July 29, 2008, I served the within:

**DEFENDANT CAL STATE 9 CREDIT UNION'S STATE NOTICE OF REMOVAL OF
CASE TO FEDERAL COURT**

on all parties in this action, as addressed below, by causing a true copy thereof to be distributed as follows:

Christine A. Chorney
Casalina & Disston
418 Third Street, Ste. 101
Oakland, CA 94607

Telephone: (510) 835-8110
Facsimile: (510) 835-1719
Attorneys for Plaintiff

☒ **By United States Mail:** I enclosed the document in a sealed envelope or package addressed to the persons at the addresses listed above and placed the envelope/package for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing documents for mailing. On the same day that the document is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing an affidavit.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Oakland, California.

☐ **By Fax Transmission:** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed above. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

☐ **By Overnight Delivery:** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses listed above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

☐ **By Personal Service:** I personally delivered the documents to the persons at the addresses listed above. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with the receptionist or an individual in charge of the office. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not less than 18 years of age between the hours of eight in the morning and six in the evening.

☐ **By Messenger Service:** I served the documents by placing them in an envelope or package addressed to the persons at the addresses listed above and providing them to a professional messenger service for service. *(A declaration by the messenger must accompany this Proof of Service.)*

1 ☐ By E-Mail or Electronic Transmission: Based on a court order or an agreement of the parties
2 to accept service by email or electronic transmission, I caused the documents to be sent to the persons at the e-
3 mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic
4 message or other indication that the transmission was unsuccessful.

5 I declare under penalty of perjury under the laws of the State of California that the
6 foregoing is true and correct.

7 Executed on July 29, 2008, at Oakland, California.

8 
9 _____
10 Noelle Duncan
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

EXHIBIT F

CALENDAR

**Superior Court of California, County of Alameda
Hayward Hall of Justice**

<p>Ford</p> <p style="text-align: right;">Plaintiff/Petitioner(s)</p> <p style="text-align: center;">VS.</p> <p>Cal State 9 Credit Union, a California corporation</p> <p style="text-align: right;">Defendant/Respondent(s) (Abbreviated Title)</p>	<p>No. <u>RG07358634</u></p> <p>Case Management Order</p> <p>Date: 04/15/2008 Time: 09:00 AM Dept: 520 Judge: David Hunter</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------

ORDER re: CASE MANAGEMENT**& TRIAL SETTING ORDER WITH NOTICE OF TRIAL**

The Court has ordered the following at the conclusion of a judicially supervised Case Management Conference.

ALTERNATIVE DISPUTE RESOLUTION (ADR)

The case is referred to Private ADR, said process to be completed by 09/01/2008.
The ADR ordered is mediation.

FURTHER CASE MANAGEMENT CONFERENCE

A Compliance Hearing is scheduled for 09/09/2008 at 09:00 AM in Dept. 520.

Updated Case Management Statements in compliance with CRC § 3.725, on Judicial Council Form CM-110, must be filed no later than 08/25/2008. If the foregoing date is a court holiday or a weekend, the time is extended to the next business day.

MANDATORY SETTLEMENT CONFERENCE (CRC § 3.1380)

A Mandatory Settlement Conference pursuant to CRC § 3.1380 is set for 02/20/2009 in Dept. 520 at 01:30 PM. Trial counsel, the parties, claims representatives and all other persons with full authority to settle the case must personally attend unless the Court has, before the Conference, authorized telephonic participation upon written application with notice to all other parties and good cause shown. A Settlement Conference Statement complying with CRC § 3.1380 must be filed with the court no later than 02/13/2009 and served on all other parties. If the foregoing date is a court holiday or a weekend, the time is extended to the next business day.

TRIAL SETTING ORDERS

The Court makes the following trial setting orders:

Trial Date: 04/10/2009 at 09:00 AM in Dept. 520.

Estimated length of trial: 6 court days.

TRIAL SETTING ORDERS

The parties are ordered to comply with the Standing Pre-Trial Orders for Civil Cases, Local Rule of Court 3.35.

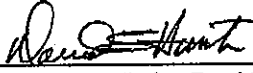
Jury is demanded by Plaintiff(s)
Jury is reserved by Defendant(s)

NOTICES

The Court orders counsel and/or self-represented parties to obtain a copy of this order from the court's website <http://www.alameda.courts.ca.gov/domainweb>.

Any delay in the trial, caused by non-compliance with any order contained herein, shall be the subject of sanctions pursuant to CCP 177.5.

Dated: 04/15/2008

 facsimile

Judge David Hunter

CM-110

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Timothy J. McCaffery, SBN: 154668 Leora R. Ragonas, SBN: 215423 Lombardi, Loper & Conant, LLP 1999 Harrison Street, Ste. 2600 Oakland, CA 94612 TELEPHONE NO.: FAX NO. (Optional): (510) 433-2699 E-MAIL ADDRESS (Optional): tjm@llcllp.com; lragonas@llcllp.com ATTORNEY FOR (Name): CAL STATE 9 CREDIT UNION		FOR COURT USE ONLY 00525-37551 ENDORSED FILED ALAMEDA COUNTY APR 01 2008 CLERK OF THE SUPERIOR COURT By - Y. Singh Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, California 94612 BRANCH NAME: Hayward		
PLAINTIFF/PETITIONER: Sadie Marie Ford DEFENDANT/RESPONDENT: Cal State 9 Credit Union		
CASE MANAGEMENT STATEMENT (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)		CASE NUMBER: RG07358634

A CASE MANAGEMENT CONFERENCE is scheduled as follows:

Date: April 15, 2008 Time: 9:00 a.m. Dept.: 520 Div.: Room:

Address of court (if different from the address above):

24405 Amador Street, 2nd Floor, Hayward, California, 94544

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.**1. Party or parties (answer one):**

- a. ☒ This statement is submitted by party (name): CAL STATE 9 CREDIT UNION
- b. ☐ This statement is submitted jointly by parties (names):

2. Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)

- a. The complaint was filed on (date): November 29, 2007
- b. ☐ The cross-complaint, if any, was filed on (date):

3. Service (to be answered by plaintiffs and cross-complainants only)

- a. ☒ All parties named in the complaint and cross-complaint have been served, or have appeared, or have been dismissed.
- b. ☐ The following parties named in the complaint or cross-complaint
- (1) ☐ have not been served (specify names and explain why not):
- (2) ☐ have been served but have not appeared and have not been dismissed (specify names):
- (3) ☐ have had a default entered against them (specify names):
- c. ☐ The following additional parties may be added (specify names, nature of involvement in case, and the date by which they may be served):

4. Description of case

- a. Type of case in ☒ complaint ☐ cross-complaint (describe, including causes of action):

Plaintiff claims that funds on deposit with the credit union were wrongfully released to Joyce Jeter.

CM-110

PLAINTIFF/PETITIONER: Sadie Marie Ford	CASE NUMBER:
DEFENDANT/RESPONDENT: Cal State 9 Credit Union	RG07358634

4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)
Plaintiff is seeking \$177,662.12 (plus interest) that they claim the credit union wrongfully released to Joyce Jeter.

☐ (If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. Jury or nonjury trial

The party or parties request ☐ a jury trial ☒ a nonjury trial (If more than one party, provide the name of each party requesting a jury trial):

6. Trial date

- a. ☐ The trial has been set for (date):
- b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):
- c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):
To be discussed at Case Management Conference

7. Estimated length of trial

The party or parties estimate that the trial will take (check one):

- a. ☒ days (specify number): 5
- b. ☐ hours (short causes) (specify):

8. Trial representation (to be answered for each party)

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:

- a. Attorney:
- b. Firm:
- c. Address:
- d. Telephone number:
- e. Fax number:
- f. E-mail address:
- g. Party represented:

☐ Additional representation is described in Attachment 8.

9. Preference

☐ This case is entitled to preference (specify code section):

10. Alternative Dispute Resolution (ADR)

- a. Counsel ☐ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and has reviewed ADR options with the client.
- b. ☐ All parties have agreed to a form of ADR. ADR will be completed by (date):
- c. ☐ The case has gone to an ADR process (indicate status):

CM-110

PLAINTIFF/PETITIONER: Sadie Marie Ford	CASE NUMBER:
DEFENDANT/RESPONDENT: Cal State 9 Credit Union	RG07358634

10. d. The party or parties are willing to participate in (check all that apply):

- (1) ☒ Mediation
 (2) ☐ Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to close 15 days before arbitration under Cal. Rules of Court, rule 3.822)
 (3) ☐ Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to remain open until 30 days before trial; order required under Cal. Rules of Court, rule 3.822)
 (4) ☐ Binding judicial arbitration
 (5) ☐ Binding private arbitration
 (6) ☐ Neutral case evaluation
 (7) ☐ Other (specify):

- e. ☐ This matter is subject to mandatory judicial arbitration because the amount in controversy does not exceed the statutory limit.
 f. ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.
 g. ☐ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court (specify exemption):

11. Settlement conference

- ☐ The party or parties are willing to participate in an early settlement conference (specify when):

12. Insurance

- a. ☒ Insurance carrier, if any, for party filing this statement (name): Cumis Insurance Society
 b. Reservation of rights: ☐ Yes ☐ No
 c. ☐ Coverage issues will significantly affect resolution of this case (explain):

13. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case, and describe the status.

- ☐ Bankruptcy ☐ Other (specify):

Status:

14. Related cases, consolidation, and coordination

- a. ☐ There are companion, underlying, or related cases.

- (1) Name of case:
 (2) Name of court:
 (3) Case number:
 (4) Status:

- ☐ Additional cases are described in Attachment 14a.

- b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (name party):

15. Bifurcation

- ☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

16. Other motions

- ☒ The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):
 Motion for Summary Judgment

CM-110

PLAINTIFF/PETITIONER: Sadie Marie Ford	CASE NUMBER:
DEFENDANT/RESPONDENT: Cal State 9 Credit Union	RG07358634

17. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☒ The following discovery will be completed by the date specified (*describe all anticipated discovery*):
- | <u>Party</u> | <u>Description</u> | <u>Date</u> |
|--------------|--------------------|-------------|
| Defendant | Depositions | July 2008 |

- c. ☐ The following discovery issues are anticipated (*specify*):

18. Economic Litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90 through 98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (*if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case*):

19. Other issues

- ☐ The party or parties request that the following additional matters be considered or determined at the case management conference (*specify*):

20. Meet and confer

- a. ☐ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (*if not, explain*):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (*specify*):

21. Case management orders

Previous case management orders in this case are (*check one*): ☐ none ☐ attached as Attachment 21.

22. Total number of pages attached (*if any*): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and ADR, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: March 28, 2008

Timothy J. McCaffery
(TYPE OR PRINT NAME)

▶ 
(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

▶ _____
(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached

PROOF OF SERVICE

Sadie Marie Ford v. Cal State 9 Credit Union, et al.
Alameda Superior Court Case No.: RG07358634

I, Noelle Duncan, do hereby declare:

I am a citizen of the United States, over 18 years of age and not a party to the within action. I am employed in the County of Alameda; my business address is 1999 Harrison Street, Suite 2600, Oakland, CA 94612.

On March 28, 2008, I served the within:

CASE MANAGEMENT STATEMENT

on all parties in this action, as addressed below, by causing a true copy thereof to be distributed as follows:

Christine A. Chorney
Casalina & Disston
418 Third Street, Ste. 101
Oakland, CA 94607

Telephone: (510) 835-8110
Facsimile: (510) 835-1719
Attorneys for Plaintiff

Patricia H. Lyon
French & Lyon
22 Battery Street, Suite 404
San Francisco, CA 94111

Telephone: (415) 597-7849
Facsimile: (415) 243-8200

☒ **By United States Mail:** I enclosed the document in a sealed envelope or package addressed to the persons at the addresses listed above and placed the envelope/package for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing documents for mailing. On the same day that the document is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing an affidavit.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Oakland, California.

☐ **By Fax Transmission:** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed above. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

☐ **By Overnight Delivery:** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses listed above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

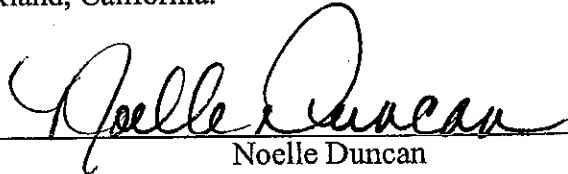
☐ **By Personal Service:** I personally delivered the documents to the persons at the addresses listed above. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with the receptionist or an individual in charge of the office. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not less than 18 years of age between the hours of eight in the morning and six in the evening.

- 1 ☐ **By Messenger Service:** I served the documents by placing them in an envelope or package
2 addressed to the persons at the addresses listed above and providing them to a professional messenger service
3 for service. (*A declaration by the messenger must accompany this Proof of Service.*)
- 4 ☐ **By E-Mail or Electronic Transmission:** Based on a court order or an agreement of the parties
5 to accept service by email or electronic transmission, I caused the documents to be sent to the persons at the e-
6 mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic
7 message or other indication that the transmission was unsuccessful.

8 I declare under penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct.

10 Executed on March 28, 2008, at Oakland, California.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


Noelle Duncan

CM-110

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Timothy J. McCaffery, SBN: 154668 Leora R. Ragones, SBN: 215423 Lombardi, Loper & Conant, LLP 1999 Harrison Street, Ste. 2600 Oakland, CA 94612 TELEPHONE NO.: _____ FAX NO. (Optional): (510) 433-2699 E-MAIL ADDRESS (Optional): tjm@llcllp.com; lragones@llcllp.com ATTORNEY FOR (Name): CAL STATE 9 CREDIT UNION		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, California 94612 BRANCH NAME: Hayward		
PLAINTIFF/PETITIONER: Sadie Marie Ford DEFENDANT/RESPONDENT: Cal State 9 Credit Union		
CASE MANAGEMENT STATEMENT (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)		CASE NUMBER: RG07358634

A CASE MANAGEMENT CONFERENCE is scheduled as follows:

Date: April 15, 2008 Time: 9:00 a.m. Dept.: 520 Div.: Room:

Address of court (if different from the address above):

24405 Amador Street, 2nd Floor, Hayward, California, 94544

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties (answer one):**
a. ☒ This statement is submitted by party (name): CAL STATE 9 CREDIT UNION
b. ☐ This statement is submitted jointly by parties (names):
2. **Complaint and cross-complaint (to be answered by plaintiffs and cross-complainants only)**
a. The complaint was filed on (date): November 29, 2007
b. ☐ The cross-complaint, if any, was filed on (date):
3. **Service (to be answered by plaintiffs and cross-complainants only)**
a. ☒ All parties named in the complaint and cross-complaint have been served, or have appeared, or have been dismissed.
b. ☐ The following parties named in the complaint or cross-complaint
(1) ☐ have not been served (specify names and explain why not):
(2) ☐ have been served but have not appeared and have not been dismissed (specify names):
(3) ☐ have had a default entered against them (specify names):
c. ☐ The following additional parties may be added (specify names, nature of involvement in case, and the date by which they may be served):
4. **Description of case**
a. Type of case in ☒ complaint ☐ cross-complaint (describe, including causes of action):
Plaintiff claims that funds on deposit with the credit union were wrongfully released to Joyce Jeter.

3/20/91

CM-110

PLAINTIFF/PETITIONER: Sadie Marie Ford	CASE NUMBER:
DEFENDANT/RESPONDENT: Cal State 9 Credit Union	RG07358634

4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)
Plaintiff is seeking \$177,662.12 (plus interest) that they claim the credit union wrongfully released to Joyce Jeter.

☐ (If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. Jury or nonjury trial

The party or parties request ☐ a jury trial ☒ a nonjury trial (if more than one party, provide the name of each party requesting a jury trial):

6. Trial date

- a. ☐ The trial has been set for (date):
b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):
c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):
To be discussed at Case Management Conference

7. Estimated length of trial

The party or parties estimate that the trial will take (check one):

- a. ☒ days (specify number): 5
b. ☐ hours (short causes) (specify):

8. Trial representation (to be answered for each party)

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:

- a. Attorney:
b. Firm:
c. Address:
d. Telephone number:
e. Fax number:
f. E-mail address:
g. Party represented:

☐ Additional representation is described in Attachment 8.

9. Preference

☐ This case is entitled to preference (specify code section):

10. Alternative Dispute Resolution (ADR)

- a. Counsel ☐ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and has reviewed ADR options with the client.
b. ☐ All parties have agreed to a form of ADR. ADR will be completed by (date):
c. ☐ The case has gone to an ADR process (indicate status):

CM-110

PLAINTIFF/PETITIONER: Sadie Marie Ford	CASE NUMBER:
DEFENDANT/RESPONDENT: Cal State 9 Credit Union	RG07358634

10. d. The party or parties are willing to participate in (check all that apply):

- (1) ☒ Mediation
- (2) ☐ Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to close 15 days before arbitration under Cal. Rules of Court, rule 3.822)
- (3) ☐ Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to remain open until 30 days before trial; order required under Cal. Rules of Court, rule 3.822)
- (4) ☐ Binding judicial arbitration
- (5) ☐ Binding private arbitration
- (6) ☐ Neutral case evaluation
- (7) ☐ Other (specify):

e. ☐ This matter is subject to mandatory judicial arbitration because the amount in controversy does not exceed the statutory limit.

f. ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.

g. ☐ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court (specify exemption):

11. Settlement conference

☐ The party or parties are willing to participate in an early settlement conference (specify when):

12. Insurance

a. ☒ Insurance carrier, if any, for party filing this statement (name): Cumis Insurance Society

b. Reservation of rights: ☐ Yes ☐ No

c. ☐ Coverage issues will significantly affect resolution of this case (explain):

13. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case, and describe the status.

☐ Bankruptcy ☐ Other (specify):

Status:

14. Related cases, consolidation, and coordination

a. ☐ There are companion, underlying, or related cases.

- (1) Name of case:
- (2) Name of court:
- (3) Case number:
- (4) Status:

☐ Additional cases are described in Attachment 14a.

b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (name party):

15. Bifurcation

☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

16. Other motions

☒ The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):
Motion for Summary Judgment

CM-110

PLAINTIFF/PETITIONER: Sadie Marie Ford	CASE NUMBER:
DEFENDANT/RESPONDENT: Cal State 9 Credit Union	RG07358634

17. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☒ The following discovery will be completed by the date specified (*describe all anticipated discovery*):
- | <u>Party</u> | <u>Description</u> | <u>Date</u> |
|--------------|--------------------|-------------|
| Defendant | Depositions | July 2008 |

- c. ☐ The following discovery issues are anticipated (*specify*):

18. Economic Litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90 through 98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (*if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case*):

19. Other Issues

- ☐ The party or parties request that the following additional matters be considered or determined at the case management conference (*specify*):

20. Meet and confer

- a. ☐ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (*if not, explain*):
- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (*specify*):

21. Case management orders

Previous case management orders in this case are (*check one*): ☐ none ☐ attached as Attachment 21.

22. Total number of pages attached (*if any*): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and ADR, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: March 28, 2008

Timothy J. McCaffery
(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached

PROOF OF SERVICE

Sadie Marie Ford v. Cal State 9 Credit Union, et al.
Alameda Superior Court Case No.: RG07358634

I, Noelle Duncan, do hereby declare:

I am a citizen of the United States, over 18 years of age and not a party to the within action. I am employed in the County of Alameda; my business address is 1999 Harrison Street, Suite 2600, Oakland, CA 94612.

On March 28, 2008, I served the within:

CASE MANAGEMENT STATEMENT

on all parties in this action, as addressed below, by causing a true copy thereof to be distributed as follows:

Christine A. Chorney
Casalina & Disston
418 Third Street, Ste. 101
Oakland, CA 94607

Telephone: (510) 835-8110
Facsimile: (510) 835-1719
Attorneys for Plaintiff

Patricia H. Lyon
French & Lyon
22 Battery Street, Suite 404
San Francisco, CA 94111

Telephone: (415) 597-7849
Facsimile: (415) 243-8200

☒ **By United States Mail:** I enclosed the document in a sealed envelope or package addressed to the persons at the addresses listed above and placed the envelope/package for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing documents for mailing. On the same day that the document is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing an affidavit.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Oakland, California.

☐ **By Fax Transmission:** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed above. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

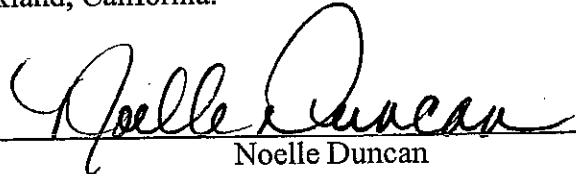
☐ **By Overnight Delivery:** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses listed above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

☐ **By Personal Service:** I personally delivered the documents to the persons at the addresses listed above. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with the receptionist or an individual in charge of the office. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not less than 18 years of age between the hours of eight in the morning and six in the evening.

- 1 ☐ **By Messenger Service:** I served the documents by placing them in an envelope or package
2 addressed to the persons at the addresses listed above and providing them to a professional messenger service
3 for service. (*A declaration by the messenger must accompany this Proof of Service.*)
- 4 ☐ **By E-Mail or Electronic Transmission:** Based on a court order or an agreement of the parties
5 to accept service by email or electronic transmission, I caused the documents to be sent to the persons at the e-
6 mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic
7 message or other indication that the transmission was unsuccessful.

8 I declare under penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct.

10 Executed on March 28, 2008, at Oakland, California.

11 
12 _____
13 Noelle Duncan
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

CM-110

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Christine A. Chorney, Esq SBN 70439 CASALINA & DISSTON 418 Third Street, Suite 101 Oakland, CA 94607 TELEPHONE NO.: (510) 835-8110 FAX NO. (Optional): (510) 835-1719 E-MAIL ADDRESS (Optional): casdiss@yahoo.com ATTORNEY FOR (Name): Plaintiff, Sadie Marie Ford		FOR COURT USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF ALAMEDA STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: Same CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME:		
PLAINTIFF/PETITIONER: SADIE MARIE FORD DEFENDANT/RESPONDENT: CAL STATE 9 CREDIT UNION, et al.		
CASE MANAGEMENT STATEMENT (Check one): <input checked="" type="checkbox"/> UNLIMITED CASE (Amount demanded exceeds \$25,000) <input type="checkbox"/> LIMITED CASE (Amount demanded is \$25,000 or less)		CASE NUMBER: RG 07-358634

A CASE MANAGEMENT CONFERENCE is scheduled as follows:

Date: April 15, 2008 Time: 9:00 a.m. Dept.: 520 Div.: Room:

Address of court (if different from the address above):

24405 Amador Street, Department 520, Hayward, CA 94544

INSTRUCTIONS: All applicable boxes must be checked, and the specified information must be provided.

1. **Party or parties** (answer one):
a. ☒ This statement is submitted by party (name): **Plaintiff, Sadie Marie Ford**
b. ☐ This statement is submitted **jointly** by parties (names):
2. **Complaint and cross-complaint** (to be answered by plaintiffs and cross-complainants only)
a. The complaint was filed on (date): **November 29, 2007**
b. ☐ The cross-complaint, if any, was filed on (date):
3. **Service** (to be answered by plaintiffs and cross-complainants only)
a. ☒ All parties named in the complaint and cross-complaint have been served, or have appeared, or have been dismissed.
b. ☐ The following parties named in the complaint or cross-complaint
(1) ☐ have not been served (specify names and explain why not):
(2) ☐ have been served but have not appeared and have not been dismissed (specify names):
(3) ☐ have had a default entered against them (specify names):
c. ☐ The following additional parties may be added (specify names, nature of involvement in case, and the date by which they may be served):
4. **Description of case**
a. Type of case in ☒ complaint ☐ cross-complaint (describe, including causes of action):

Complaint to recover money deposited in defendant credit union.

CM-110

PLAINTIFF/PETITIONER: SADIE MARIE FORD	CASE NUMBER:
DEFENDANT/RESPONDENT: CAL STATE 9 CREDIT UNION, et al.	RG 07-358634

4. b. Provide a brief statement of the case, including any damages. (If personal injury damages are sought, specify the injury and damages claimed, including medical expenses to date [indicate source and amount], estimated future medical expenses, lost earnings to date, and estimated future lost earnings. If equitable relief is sought, describe the nature of the relief.)

Plaintiff is the personal representative of the Estate of Clydel Perry, deceased. The decedent had on deposit with defendant the sum of \$177,662.12 which defendant wrongly paid to another person pursuant to a void conservatorship.

☐ (If more space is needed, check this box and attach a page designated as Attachment 4b.)

5. **Jury or nonjury trial**

The party or parties request ☒ a jury trial ☐ a nonjury trial (if more than one party, provide the name of each party requesting a jury trial):

6. **Trial date**

- a. ☐ The trial has been set for (date):
- b. ☒ No trial date has been set. This case will be ready for trial within 12 months of the date of the filing of the complaint (if not, explain):
- c. Dates on which parties or attorneys will not be available for trial (specify dates and explain reasons for unavailability):

7. **Estimated length of trial**

The party or parties estimate that the trial will take (check one):

- a. ☒ days (specify number): 3 days.
- b. ☐ hours (short causes) (specify):

8. **Trial representation (to be answered for each party)**

The party or parties will be represented at trial ☒ by the attorney or party listed in the caption ☐ by the following:

- a. Attorney:
- b. Firm:
- c. Address:
- d. Telephone number:
- e. Fax number:
- f. E-mail address:
- g. Party represented:

☐ Additional representation is described in Attachment 8.

9. **Preference**

☐ This case is entitled to preference (specify code section):

10. **Alternative Dispute Resolution (ADR)**

- a. Counsel ☒ has ☐ has not provided the ADR information package identified in rule 3.221 to the client and has reviewed ADR options with the client.
- b. ☐ All parties have agreed to a form of ADR. ADR will be completed by (date):
- c. ☐ The case has gone to an ADR process (indicate status):

CM-110

PLAINTIFF/PETITIONER: SADIE MARIE FORD	CASE NUMBER:
DEFENDANT/RESPONDENT: CAL STATE 9 CREDIT UNION, et al.	RG 07-358634

10. d. The party or parties are willing to participate in: (check all that apply):

- (1) ☒ Mediation
 (2) ☐ Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to close 15 days before arbitration under Cal. Rules of Court, rule 3.822)
 (3) ☐ Nonbinding judicial arbitration under Code of Civil Procedure section 1141.12 (discovery to remain open until 30 days before trial; order required under Cal. Rules of Court, rule 3.822)
 (4) ☐ Binding judicial arbitration
 (5) ☐ Binding private arbitration
 (6) ☐ Neutral case evaluation
 (7) ☐ Other (specify):

- e. ☐ This matter is subject to mandatory judicial arbitration because the amount in controversy does not exceed the statutory limit.
 f. ☐ Plaintiff elects to refer this case to judicial arbitration and agrees to limit recovery to the amount specified in Code of Civil Procedure section 1141.11.
 g. ☐ This case is exempt from judicial arbitration under rule 3.811 of the California Rules of Court (specify exemption):

11. Settlement conference

- ☐ The party or parties are willing to participate in an early settlement conference (specify when):

12. Insurance

- a. ☐ Insurance carrier, if any, for party filing this statement (name):
 b. Reservation of rights: ☐ Yes ☐ No
 c. ☐ Coverage issues will significantly affect resolution of this case (explain):

13. Jurisdiction

Indicate any matters that may affect the court's jurisdiction or processing of this case, and describe the status.

- ☐ Bankruptcy ☐ Other (specify):

Status:

14. Related cases, consolidation, and coordination

- a. ☒ There are companion, underlying, or related cases.
 (1) Name of case: Estate of Clydel Perry
 (2) Name of court: Superior Court of California, County of Alameda.
 (3) Case number: RP 06-290762
 (4) Status: Open and active
☐ Additional cases are described in Attachment 14a.
 b. ☐ A motion to ☐ consolidate ☐ coordinate will be filed by (name party):

15. Bifurcation

- ☐ The party or parties intend to file a motion for an order bifurcating, severing, or coordinating the following issues or causes of action (specify moving party, type of motion, and reasons):

16. Other motions

- ☐ The party or parties expect to file the following motions before trial (specify moving party, type of motion, and issues):

CM-110

PLAINTIFF/PETITIONER: SADIE MARIE FORD	CASE NUMBER:
DEFENDANT/RESPONDENT: CAL STATE 9 CREDIT UNION, et al.	RG 07-358634

17. Discovery

- a. ☐ The party or parties have completed all discovery.
- b. ☒ The following discovery will be completed by the date specified (*describe all anticipated discovery*):

<u>Party</u>	<u>Description</u>	<u>Date</u>
Plaintiff	Deposition	6/30/08

- c. ☐ The following discovery issues are anticipated (*specify*):

18. Economic Litigation

- a. ☐ This is a limited civil case (i.e., the amount demanded is \$25,000 or less) and the economic litigation procedures in Code of Civil Procedure sections 90 through 98 will apply to this case.
- b. ☐ This is a limited civil case and a motion to withdraw the case from the economic litigation procedures or for additional discovery will be filed (*if checked, explain specifically why economic litigation procedures relating to discovery or trial should not apply to this case*):

19. Other issues

- ☐ The party or parties request that the following additional matters be considered or determined at the case management conference (*specify*):

20. Meet and confer

- a. ☒ The party or parties have met and conferred with all parties on all subjects required by rule 3.724 of the California Rules of Court (*if not, explain*):

Will meet and confer prior to hearing.

- b. After meeting and conferring as required by rule 3.724 of the California Rules of Court, the parties agree on the following (*specify*):

21. Case management orders

Previous case management orders in this case are (*check one*): ☒ none ☐ attached as Attachment 21.


22. Total number of pages attached (*if any*): _____

I am completely familiar with this case and will be fully prepared to discuss the status of discovery and ADR, as well as other issues raised by this statement, and will possess the authority to enter into stipulations on these issues at the time of the case management conference, including the written authority of the party where required.

Date: March 31, 2008

Christine A. Chorney, Esq.

(TYPE OR PRINT NAME)

► 
(SIGNATURE OF PARTY OR ATTORNEY)

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY OR ATTORNEY)

☐ Additional signatures are attached

PROOF OF SERVICE

I, the undersigned, declare as follows:

I am a citizen of the United States; over the age of eighteen years; and not a party to the within action. My business address is 418 Third Street, Suite 101, Oakland, California 94607.

On the date set forth below, I served the following:

Case Management Statement

on all interested parties by the following manner:

(XX) U.S. Mail: By placing a true and correct copy thereof enclosed in a sealed envelope, postage prepaid, in the United States mail at Oakland, California.


() HAND DELIVERY: By placing a true and correct copy thereof in a sealed envelope to be delivered by hand to the parties indicated below.

() OVERNIGHT MAIL DELIVERY: By placing a true and correct copy thereof in a sealed envelope with delivery charges prepaid and delivered to a Federal Express carrier for delivery to the parties indicated below.

() FACSIMILE TRANSMISSION: By transmitting a true and correct copy thereof by facsimile transmission from facsimile no. (510) 835-1719 to the parties and facsimile numbers listed below.

Leora R. Ragones, Esq.
LOMBARDI, LOPER & CONANT
1999 Harrison Street, Suite 2600
Oakland, CA 94612
(510) 433-2600 Tele
Attorney for Defendant, Cal State 9 Credit Union

I declare under penalty of perjury that the foregoing is true and correct. Executed at City of Oakland, Alameda County, California on MARCH 31, 2008.


Catherine Addison

Feb. 15. 2008 4:25PM

No. 1080 P. 2

MC-050

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address): Patricia H. Lyon, State Bar No. 126761 French & Lyon, 22 Battery St., Suite 404 San Francisco, CA 94111 TELEPHONE NO.: (415) 597-7849 FAX NO. (Optional): (415) 243-8200 E-MAIL ADDRESS (Optional): phlyon@aol.com. ATTORNEY FOR (Name): Cal State 9 Credit Union		FOR COURT USE ONLY ENDORSED FILED ALAMEDA COUNTY FEB 19 2008 CLERK OF THE SUPERIOR COURT By Esther Coleman, Deputy
SUPERIOR COURT OF CALIFORNIA, COUNTY OF Alameda STREET ADDRESS: 1225 Fallon Street MAILING ADDRESS: CITY AND ZIP CODE: Oakland, CA 94612 BRANCH NAME:		
CASE NAME: Sadie Marie Ford vs. Cal State 9 Credit Union		
SUBSTITUTION OF ATTORNEY—CIVIL (Without Court Order)		CASE NUMBER: RG07358634

THE COURT AND ALL PARTIES ARE NOTIFIED THAT (name): Cal State 9

makes the following substitution:

1. Former legal representative ☐ Party represented self ☒ Attorney (name): Patricia H. Lyon
2. New legal representative ☐ Party is representing self ☒ Attorney
- a. Name: Leora R. Ragones b. State Bar No. (if applicable): 215423
- c. Address (number, street, city, ZIP, and law firm name, if applicable):
 Lombardi, Loper & Conant, Lake Merritt Plaza, 1999 Harrison St., Ste. 2600,
 Oakland, CA 94612-3541
- d. Telephone No. (include area code): (510) 433-2600
3. The party making this substitution is a ☒ plaintiff ☐ defendant ☐ petitioner ☐ respondent ☐ other (specify):

BY FAX

*NOTICE TO PARTIES APPLYING TO REPRESENT THEMSELVES

- Guardian
- Personal Representative
- Guardian ad litem
- Conservator
- Probate fiduciary
- Unincorporated association
- Trustee
- Corporation

If you are applying as one of the parties on this list, you may NOT act as your own attorney in most cases. Use this form to substitute one attorney for another attorney. SEEK LEGAL ADVICE BEFORE APPLYING TO REPRESENT YOURSELF.

NOTICE TO PARTIES WITHOUT ATTORNEYS

A party representing himself or herself may wish to seek legal assistance. Failure to take timely and appropriate action in this case may result in serious legal consequences.

4. I consent to this substitution.

Date: January 31, 2008

Patricia H. Lyon

(TYPE OR PRINT NAME)

(SIGNATURE OF PARTY)

5. ☒ I consent to this substitution.

Date: January 31, 2008

Leora R. Ragones

(TYPE OR PRINT NAME)

(SIGNATURE OF FORMER ATTORNEY)

6. ☒ I consent to this substitution.

Date: 2/13/08

CAL STATE 9 CREDIT UNION

(TYPE OR PRINT NAME)

(SIGNATURE OF NEW ATTORNEY)

(See reverse for proof of service by mail)

Page 1 of 2

Page 1 of 2

PROOF OF SERVICE

Sadie Marie Ford v. Cal State 9 Credit Union, et al.
Alameda Superior Court Case No.: RG07358634

I, Noelle Duncan, do hereby declare:

I am a citizen of the United States, over 18 years of age and not a party to the within action. I am employed in the County of Alameda; my business address is 1999 Harrison Street, Suite 2600, Oakland, CA 94612.

On February 15, 2008, I served the within:

SUBSTITUTION OF ATTORNEY

on all parties in this action, as addressed below, by causing a true copy thereof to be distributed as follows:

Christine A. Chorney
Casalina & Disston
418 Third Street, Ste. 101
Oakland, CA 94607

Telephone: (510) 835-8110
Facsimile: (510) 835-1719
Attorneys for Plaintiff

Patricia H. Lyon
French & Lyon
22 Battery Street, Suite 404
San Francisco, CA 94111

Telephone: (415) 597-7849
Facsimile: (415) 243-8200

☒ **By United States Mail:** I enclosed the document in a sealed envelope or package addressed to the persons at the addresses listed above and placed the envelope/package for collection and mailing, following our ordinary business practices. I am readily familiar with this business's practice for collecting and processing documents for mailing. On the same day that the document is placed for collection and mailing, it is deposited in the ordinary course of business with the United States Postal Service, in a sealed envelope with postage fully prepaid. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after the date of deposit for mailing an affidavit.

I am a resident or employed in the county where the mailing occurred. The envelope or package was placed in the mail at Oakland, California.

☐ **By Fax Transmission:** Based on an agreement of the parties to accept service by fax transmission, I faxed the documents to the persons at the fax numbers listed above. No error was reported by the fax machine that I used. A copy of the record of the fax transmission, which I printed out, is attached.

☐ **By Overnight Delivery:** I enclosed the documents in an envelope or package provided by an overnight delivery carrier and addressed to the persons at the addresses listed above. I placed the envelope or package for collection and overnight delivery at an office or a regularly utilized drop box of the overnight delivery carrier.

☐ **By Personal Service:** I personally delivered the documents to the persons at the addresses listed above. (1) For a party represented by an attorney, delivery was made to the attorney or at the attorney's office by leaving the documents in an envelope or package clearly labeled to identify the attorney being served with the receptionist or an individual in charge of the office. (2) For a party, delivery was made to the party or by leaving the documents at the party's residence with some person not less than 18 years of age between the hours of eight in the morning and six in the evening.

- 1 ☐ **By Messenger Service:** I served the documents by placing them in an envelope or package
2 addressed to the persons at the addresses listed above and providing them to a professional messenger service
3 for service. *(A declaration by the messenger must accompany this Proof of Service.)*
4 ☐ **By E-Mail or Electronic Transmission:** Based on a court order or an agreement of the parties
5 to accept service by email or electronic transmission, I caused the documents to be sent to the persons at the e-
6 mail addresses listed above. I did not receive, within a reasonable time after the transmission, any electronic
7 message or other indication that the transmission was unsuccessful.

8 I declare under penalty of perjury under the laws of the State of California that the
9 foregoing is true and correct.

10 Executed on February 15, 2008, at Oakland, California.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


Noelle Duncan

PATRICIA H. LYON, State Bar No. 126761
 JAMES H. FRENCH, State Bar No. 53555
 FRENCH & LYON
 A Professional Corporation
 22 Battery Street, Suite 404
 San Francisco, CA 94111
 Telephone: (415) 597-7849
 Facsimile: (415) 243-8200

Attorneys for Defendant,
 CAL STATE 9 CREDIT UNION

**ENDORSED
 FILED
 ALAMEDA COUNTY**

JAN 08 2008

CLERK OF THE SUPERIOR COURT
 By Tasha Perry, Deputy

SUPERIOR COURT OF UNLIMITED JURISDICTION
 STATE OF CALIFORNIA
 COUNTY OF ALAMEDA

SADIE MARIE FORD, as personal
 representative of CLYDEL PERRY, deceased,

Plaintiff,

v.

CAL STATE 9 CREDIT UNION, a California
 corporation, and DOES 1 through 20, inclusive,

Defendants.

) Case No. RG07358634

) **DEFENDANT CAL STATE 9 CREDIT
 UNION'S ANSWER TO PLAINTIFF'S
 COMPLAINT FOR MONEY**

Defendant CAL STATE 9 CREDIT UNION, a California Credit Union (hereinafter
 "Defendant") answers Plaintiff's unverified Complaint for Money as follows:

GENERAL DENIAL

Pursuant to *California Code of Civil Procedure* §431.40(d), Defendant generally denies
 each and every allegation contained in the unverified Complaint, and each of its purported causes
 of action.

As and for separate and affirmative defenses to the Complaint, and each of its purported
 causes of action, Defendant alleges as follows:

///

///

FIRST AFFIRMATIVE DEFENSE

1
2 1. The Complaint, and each of its purported causes of action, fails to state facts
3 sufficient to constitute a cause of action against Defendant.

SECOND AFFIRMATIVE DEFENSE

4
5 2. Plaintiff suffered no general or special damages as a result of any conduct of
6 Defendant, and any such damages were the result of other causes and/or the acts or omissions of
7 others, including Plaintiff.

THIRD AFFIRMATIVE DEFENSE

8
9 3. Plaintiff failed to mitigate the damages and/or injuries (which damages and/or
10 injuries are expressly denied) referred to in the Complaint.

FOURTH AFFIRMATIVE DEFENSE

11
12 4. Any damages and/or injuries allegedly suffered by Plaintiff (which damages
13 and/or injuries are expressly denied) are barred as speculative and not foreseeable to Defendant.

FIFTH AFFIRMATIVE DEFENSE

14
15 5. No act or omission of Defendant was a substantial factor in bringing about the
16 alleged damages, which damages are expressly denied, of Plaintiff, nor was any act or omission a
17 contributing cause thereof, any alleged acts or omissions of Defendant, which acts or omission
18 are expressly denied, were superseded by the acts or omissions of others, including Plaintiff,
19 and/or other individuals or entities, whether or not named in the Complaint herein, which were
20 the independent, intervening, and proximate causes of damage or loss allegedly sustained by
21 Plaintiff.

SIXTH AFFIRMATIVE DEFENSE

22
23 6. The injuries and damages of which Plaintiff complains, which injuries or damages
24 are expressly denied, were proximately caused by the negligence, and other fault of other
25 persons, firms, and corporations, including Plaintiff, and other Defendants, and should judgment
26 be rendered against Defendant, which should not occur, such judgment should be reduced,
27 abated, and discharged in accordance with the percentage of negligence or other fault charged
28 against such other persons, firms, and corporations, including Plaintiff, and other Defendants.

SEVENTH AFFIRMATIVE DEFENSE

7. Defendant is informed and believes, and thereon alleges, that Plaintiff lacks standing to sue on the claims alleged and therefore is barred from recovery.

EIGHTH AFFIRMATIVE DEFENSE

8. Defendant is informed and believes, and thereon alleges, that Plaintiff lacks the capacity to sue on the claims alleged and therefore is barred from recovery.

NINTH AFFIRMATIVE DEFENSE

9. Defendant is informed and believes, and thereon alleges, that Plaintiff has failed to join parties with a material interest in the account that is the subject of this litigation, or that there is otherwise a defect or misjoinder of parties requiring that the action be dismissed.

TENTH AFFIRMATIVE DEFENSE

12. Each of Plaintiff's purported claims is barred by applicable statutes of limitations, including, but not limited to *California Code of Civil Procedure* Sections 337, 338, 339, 340, 340(c), 343, and 352.1, and *California Commercial Code* Sections 4401, 4401(a), 4406, 4406(d), 4406(f), and 4111.

ELEVENTH AFFIRMATIVE DEFENSE

11. If it should be established that Defendant is in any manner legally responsible for Plaintiff's alleged damages, which damages are denied, then Defendant is entitled to indemnity and/or contribution from the other parties named in this litigation or as yet unnamed in this litigation in direct proportion to the negligence or other actionable conduct which proximately caused or contributed to the alleged damages, if any.

TWELFTH AFFIRMATIVE DEFENSE

12. Plaintiff's Complaint and each purported cause of action are barred under the equitable doctrines of waiver, unclean hands or estoppel.

PRAYER

WHEREFORE, Defendant prays for judgment as follows:


a. That Defendant has judgment against Plaintiff, and that Plaintiff takes nothing by reason of the Complaint herein;

- 1 b. That Defendant recover its costs; and
2 c. That this Court grants Defendant such other and further relief as it may deem just
3 and proper.

4 Dated: January 2, 2008

FRENCH & LYON
A Professional Corporation

By


JAMES H. FRENCH
Attorneys for Defendant,
CAL STATE 9 CREDIT UNION,
a California credit union

PROOF OF SERVICE

CASE NAME: Sadie Marie Ford v. Cal State 9 Credit Union
COURT: Alameda County Superior Court, Unlimited Jurisdiction
CASE NO.: RG07358634

I, MARY WOODWARD, declare:

I am over the age of eighteen years and not a party to the within action. I am employed by the law firm of French & Lyon, 22 Battery Street, Suite 404, San Francisco, California 94111.

On January 2, 2008, I served the following documents described as: Defendant Cal State 9 Credit Union's Answer to Plaintiff's Complaint for Money on the interested parties in this action by placing a true copy thereof, enclosed in a sealed envelope, postage prepaid, and addressed as follows:

Christine A. Chorney, Esq.
Casalina & Disston
418 Third Street, Suite 101
Oakland, CA 94607
Telefax: (510) 835-1719

X **Facsimile Transmission** - I caused served the documents in this matter via facsimile transmission. True and correct copies of the facsimile transmission coversheet and transmission report, indicating that the transmission and receipt of said documents are contained in the file of sender herein and will be filed with the Court, if the Court deems it necessary.

X **By First Class Mail** - - I am readily familiar with the firm's practice for collection and processing of correspondence, pleading and notices for mailing with the United States Postal Service. It is deposited with the United States Postal Service in the ordinary course of business on the same it is processed for mailing. I caused such envelope(s) to be deposited in the mail at San Francisco, California. The envelope was mailed with postage thereon fully prepaid.

X **State Court** - - I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that service was made under the direction of an active member of the State Bar of California and who is not a party to the cause.

Executed on January 2, 2008, at San Francisco, California.


MARY WOODWARD

Casalina & Disston
 Attn: Chorney, Christine A.
 418 3rd St., Ste. 101
 Oakland, CA 94607

Superior Court of California, County of Alameda

Ford

Plaintiff/Petitioner(s)

vs.

Cal State 9 Credit Union, a California corporation
 Defendant/Respondent(s)
 (Abbreviated Title)

No. RG07358634

NOTICE OF CASE MANAGEMENT
 CONFERENCE AND ORDER
 Unlimited Jurisdiction

CALENDAR

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD.

Notice is given that a Case Management Conference has been scheduled as follows:

Date: 04/15/2008 Time: 09:00 AM	Department: 520 Location: Hayward Hall of Justice 3rd Floor 24405 Amador Street, Hayward CA 94544 Internet: http://www.alameda.courts.ca.gov	Judge: David Hunter Clerk: Lindell Williams Clerk telephone: (510) 690-2729 E-mail: Depl520@alameda.courts.ca.gov Fax: (510) 267-1531
------------------------------------	---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

ORDERS

1. You must:
 - a. Serve all named defendants and file proofs of service on those defendants with the court within 60 days of the filing of the complaint (CRC 3.110(b)).
 - b. Give notice of this conference to any party not included in this notice and file proof of service.
 - c. Meet and confer, in person or by telephone, to consider each of the issues identified in CRC 3.724 no later than 30 calendar days before the date set for the Case Management Conference.
 - d. File and serve a completed Case Management Conference Statement (use of Judicial Council Form CM 110 is mandatory) at least 15 days before the Case Management Conference (CRC 3.725).
2. If you do not follow the orders above, you are hereby ordered to show cause why you should not be sanctioned under CRC 2.30. The hearing on the Order to Show Cause re: Sanctions will be at the same time as the Case Management Conference. Sanctions may include monetary sanctions and any other sanction permitted by law, including striking pleadings or dismissing the action.
3. You are further ordered to appear in person* (or through your attorney of record) at the Case Management Conference noticed above. You must be thoroughly familiar with the case and fully authorized to proceed.
4. The Direct Calendar Judge will issue orders at the conclusion of the conference that should include:
 - a. Referring to ADR and setting an ADR completion date
 - b. Dismissing or severing claims or parties
 - c. Setting a trial date.

*Telephonic appearances at Case Management Conferences may be available by contacting CourtCall, an independent vendor, at least 3 business days prior to the scheduled conference. Parties may make arrangements by calling 1-888-882-6878, or faxing a service request to 1-888-882-2946. This service is subject to charges by the vendor.

CLERK'S CERTIFICATE OF MAILING

I certify that the following is true and correct: I am the clerk of the above-named court and not a party to this cause. I served this Notice of Hearing by placing copies in envelopes addressed as shown herein and then by sealing and placing them for collection, stamping or metering with prepaid postage, and mailing on the date stated below, in the United States mail at Alameda County, California, following standard court practices.

Executed on 12/03/2007.

By



Deputy Clerk

RECEIVED DEC 07 2007

PROOF OF SERVICE

I, the undersigned, declare as follows:

I am a citizen of the United States; over the age of eighteen years; and not a party to the within action. My business address is 418 Third Street, Suite 101, Oakland, California 94607.

On the date set forth below, I served the following:

Notice of Case Management Conference

and Order

on all interested parties by the following manner:

(XX) U.S. Mail: By placing a true and correct copy thereof enclosed in a sealed envelope, postage prepaid, in the United States mail at Oakland, California.

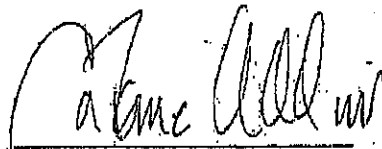
() HAND DELIVERY: By placing a true and correct copy thereof in a sealed envelope to be delivered by hand to the parties indicated below.

() OVERNIGHT MAIL DELIVERY: By placing a true and correct copy thereof in a sealed envelope with delivery charges prepaid and delivered to a Federal Express carrier for delivery to the parties indicated below.

() FACSIMILE TRANSMISSION: By transmitting a true and correct copy thereof by facsimile transmission from facsimile no. (510) 835-1719 to the parties and facsimile numbers listed below.

CAL STATE CREDIT UNION
3000 Clayton Road
Concord, California 94520
Attn: Legal Department

I declare under penalty of perjury that the foregoing is true and correct. Executed at City of Oakland, Alameda County, California on December 4, 2007.


Catherine Addison

Superior Court of California, County of Alameda



Notice of Judicial Assignment for All Purposes

Case Number: RG07358634

Case Title: Ford VS Cal State 9 Credit Union, a California corporation

Date of Filing: 11/29/2007

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

This case is hereby assigned for all purposes to:

Judge:	David Hunter
Department:	520
Address:	Hayward Hall of Justice 24405 Amador Street Hayward, CA 94544
Phone Number:	(510) 690-2729
Fax Number:	(510) 267-1531
Email Address:	Dept.520@alameda.courts.ca.gov

Under direct calendaring, this case is assigned to a single judge for all purposes including trial.

Please note: In this case, any challenge pursuant to Code of Civil Procedure §170.5 must be exercised within the time period provided by law. (See Govt. Code 68616(i); Motion Picture and Television Fund Hosp. v. Superior Court (2001) 88 Cal.App.4th 488, 494; and Code Civ. Proc. §1013.)

IT IS THE DUTY OF EACH PLAINTIFF AND CROSS COMPLAINANT TO SERVE A COPY OF THIS NOTICE IN ACCORDANCE WITH LOCAL RULES.

General Procedures

All pleadings and other documents must be filed in the clerk's office at any court location except when the Court permits the lodging of material directly in the assigned department. All documents, with the exception of the original summons and the original civil complaint, shall have clearly typed on the face page of each document, under the case number, the following:

ASSIGNED FOR ALL PURPOSES TO
JUDGE David Hunter
DEPARTMENT 520

Counsel are expected to know and comply with the Local Rules of this Court, which are available on the Court's website at: <http://www.alameda.courts.ca.gov/courts/rules/index.shtml> and with the California Rules of Court, which are available at www.courtinfo.ca.gov.

The parties are always encouraged to consider using various alternatives to litigation, including mediation and arbitration, prior to the Initial Case Management Conference. The Court may refer parties to alternative dispute resolution resources.

If all parties agree to change a scheduled court date, the parties must first send a fax letter to Department 520 outlining the requested schedule change and then contact the Courtroom Clerk to schedule a telephone conference with the Court.

Please submit a courtesy copy of all filed documents directly to Department 520.

Schedule for Department 520

The following scheduling information is subject to change at any time, without notice. Please contact the department at the phone number or email address noted above if you have questions.

- Trials generally are held: Mondays, Tuesdays and Thursdays from 10:00 a.m. to 4:30 p.m. and Wednesdays from 10:00 a.m. to 4:00 p.m.
- Case Management Conferences are held: Mondays through Thursdays at 9:00 a.m.
- Law and Motion matters are heard: Fridays at 9:30 a.m.
- Settlement Conferences are heard: Fridays at 1:30 p.m.
- Ex Parte matters are heard: Mondays and Wednesdays at 9:30 a.m.

Law and Motion Procedures

To obtain a hearing date for a Law and Motion or ex parte matter, parties must contact the department as follows:

- Motion Reservations
Phone: (510) 690-2729
- Ex Parte Matters
Phone: (510) 690-2729

Tentative Rulings

The court will issue tentative rulings in accordance with the Local Rules. Tentative rulings will become the Court's order unless contested in accordance with the Local Rules. Tentative rulings will be available at:

- Website: www.alameda.courts.ca.gov/domainweb, Calendar Information for Dept. 520
- Phone: 1-866-223-2244

Dated: 11/30/2007

Executive Officer / Clerk of the Superior Court

By



Deputy Clerk

CLERK'S CERTIFICATE OF MAILING

I certify that the following is true and correct: I am the clerk of the above-named court and not a party to this cause. I served this Notice by placing copies in envelopes addressed as shown on the attached Notice of Initial Case Management Conference and then by sealing and placing them for collection, stamping or metering with prepaid postage, and mailing on the date stated below, in the United States mail at Alameda County, California, following standard court practices.

Executed on 12/03/2007

By



Deputy Clerk

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

CAL STATE 9 CREDIT UNION, a California corporation,
and DOES 1 through 20, inclusive

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

SADIE MARIE FORD, as personal representative of
CLYDEL PERRY, deceased

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ENDORSED
FILED
ALAMEDA COUNTY

CALENDAR

NOV 29 2007

CLERK OF THE SUPERIOR COURT

By E. BAKER

Deputy

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

Superior of California

County of Alameda, Unlimited Civil Jurisdiction

1225 Fallon Street, Oakland, CA 94612

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Christine A. Chorney, Esq. SBN 070439

CASALINA & DISSTON, 418 Third Street, Suite 101, Oakland, CA 94607 (510) 835-8110 (510) 835-1719

DATE: **NOV 29 2007**
(Fecha)

Clerk, by E. BAKER, Deputy
(Secretario) (Adjunto)

Pat S. Sweeten

(Secretary)

Executive Officer/Clerk of the Superior Court

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☒ on behalf of (specify): CAL STATE CREDIT UNION

- under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

4. ☒ by personal delivery on (date): 12-3-07

Page 1 of 1

*Recd. 3rd 7 December
Pat S. Sweeten*

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT:
(AVISO AL DEMANDADO):

CAL STATE 9 CREDIT UNION, a California corporation,
and DOES 1 through 20, inclusive

YOU ARE BEING SUED BY PLAINTIFF:
(LO ESTÁ DEMANDANDO EL DEMANDANTE):
SADIE MARIE FORD, as personal representative of
CLYDEL PERRY, deceased

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ENDORSED
FILED
ALAMEDA COUNTY

NOV 29 2007

CLERK OF THE SUPERIOR COURT

By E. BAKER

Deputy

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.courtinfo.ca.gov/selfhelp/espanol/) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

Superior of California

County of Alameda, Unlimited Civil Jurisdiction

1225 Fallon Street, Oakland, CA 94612

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Christine A. Chorney, Esq. SBN 070439

CASALINA & DISSTON, 418 Third Street, Suite 101, Oakland, CA 94607 (510) 835-8110 (510) 835-1719

DATE: **NOV 29 2007**
(Fecha)

Clerk, by

E. BAKER

(Secretario)

, Deputy

(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

NOTICE TO THE PERSON SERVED: You are served

1. ☐ as an individual defendant.
2. ☐ as the person sued under the fictitious name of (specify):

3. ☐ on behalf of (specify):

under: ☐ CCP 416.10 (corporation)

☐ CCP 416.20 (defunct corporation)

☐ CCP 416.40 (association or partnership)

☐ other (specify):

☐ CCP 416.60 (minor)

☐ CCP 416.70 (conservatee)

☐ CCP 416.90 (authorized person)

4. ☐ by personal delivery on (date):

(SEAL)

RECEIVED DEC 05 2007

Christine A. Chorney, Esq. SBN 070439
CASALINA & DISSTON
418 Third Street, Suite 101
Oakland, California 94607
Telephone (510) 835-8110
Facsimile (510) 835-1719

ENDORSED
FILED
ALAMEDA COUNTY

NOV 29 2007

Attorneys for Petitioner
Sadie Marie Ford

CLERK OF THE SUPERIOR COURT
By E. BAKER Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF ALAMEDA

SADIE MARIE FORD, as personal)
representative of CLYDEL PERRY,)
deceased,)
Plaintiff,)

CASE NO. **12607358634**
COMPLAINT FOR MONEY

v.)

CAL STATE 9 CREDIT UNION, a)
California corporation, and)
DOES 1 through 20,)
inclusive,)
Defendants.)

Plaintiff SADIE MARIE FORD alleges:

1. Plaintiff is the duly appointed, qualified, and acting
personal representative of the estate of CLYDEL PERRY, deceased,
by virtue of an order duly made that has become final in a
proceeding in the Superior Court of California, County of Alameda,
titled Estate of CLYDEL PERRY, deceased, Case No. RP 06-290762,

1 and brings this action in such capacity. Letters Testamentary were
2 issued to plaintiff therein on November 14, 2006 and are in full
3 force and effect.

4 2. Defendant CAL STATE 9 CREDIT UNION is, and at all times
5 herein mentioned was, a corporation duly organized and existing
6 under the laws of the State of California and doing business as a
7 credit union, with its principal place of business in Concord, in
8 the County of Contra Costa, California.

9 3. Plaintiff is ignorant of the true and names and
10 capacities of defendants sued herein as DOES 1 through 20,
11 inclusive, and therefore sues these defendants by such fictitious
12 names. Plaintiff will amend this complaint to allege their true
13 and names and capacities when ascertained. Plaintiff is informed
14 and believes and thereon alleges that each of such fictitiously
15 named defendants is responsible in some manner for the occurrences
16 herein alleged, and that plaintiff's damages as herein alleged
17 were proximately caused by such defendants.

18 4. At all times herein mentioned defendants DOES 1 through
19 20 were the agents, servants, and employees of their co-
20 defendants, and in doing the things hereinafter alleged were
21 acting in the scope of their authority as such agents, servants,
22 and employees, and with the permission and consent of their co-
23 defendants.

24 5. Plaintiff is informed and believes and thereon alleges
25 that prior to March 6, 2006 plaintiff's decedent, CLYDEL PERRY,
26 had on deposit with defendants CAL STATE 9 CREDIT UNION and DOES 1
27
28

1 through 10, inclusive, the sum of \$177,662.12, plus interest
2 accrued thereon, in account no. 79097, at defendants' branch
3 located in Concord, California.

4 6. Plaintiff is informed and believes and thereon alleges
5 that on or about March 6, 2006 defendants, and each of them, paid
6 the money on deposit in the aforesaid account to one Joyce Jeter
7 or other person who was not authorized or entitled to receive the
8 money on deposit in the aforesaid account.

9 7. On or about July 16, 2007 plaintiff, as the personal
10 representative of the estate of CLYDEL PERRY, demanded that
11 defendants and each of them, transfer the sum of \$177,662.12, plus
12 interest accrued thereon, to plaintiff.

13 8. Defendants have failed and refused, and still fail and
14 refuse to pay to plaintiff the sum of \$177,662.12, plus interest
15 accrued thereon, or any part thereof, despite plaintiff's demand;
16 the sum of \$177,662.12 plus interest accrued thereon is now due,
17 owing and unpaid from defendants to plaintiff.

18 WHEREFORE, plaintiff prays judgment against defendants, and
19 each of them, as follows:
20

- 21 1. For the sum of \$177,662.12;
22 2. For interest on the aforesaid sum at ten (10) percent
23 per annum from March 6, 2006;
24 3. For costs of suit herein incurred; and

25 //

26 //

27 //

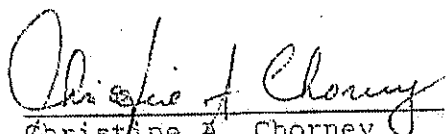
//

4. For such other and further relief as the court deems
just and proper.

Dated: November 27, 2007

CASALINA & DISSTON

By:


Christine A. Chorney
Attorney for Plaintiff
Sadie Marie Ford

PROOF OF SERVICE

I, the undersigned, declare as follows:

I am a citizen of the United States; over the age of eighteen years; and not a party to the within action. My business address is 418 Third Street, Suite 101, Oakland, California 94607.

On the date set forth below, I served the following:

Summons, and

Complaint for Money

on all interested parties by the following manner:

(XX) U.S. Mail: By placing a true and correct copy thereof enclosed in a sealed envelope, postage prepaid, in the United States mail at Oakland, California.

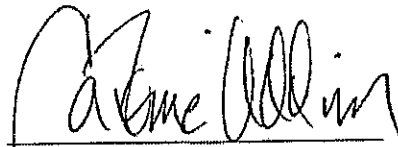
() HAND DELIVERY: By placing a true and correct copy thereof in a sealed envelope to be delivered by hand to the parties indicated below.

() OVERNIGHT MAIL DELIVERY: By placing a true and correct copy thereof in a sealed envelope with delivery charges prepaid and delivered to a Federal Express carrier for delivery to the parties indicated below.

() FACSIMILE TRANSMISSION: By transmitting a true and correct copy thereof by facsimile transmission from facsimile no. (510) 835-1719 to the parties and facsimile numbers listed below.

CAL STATE 9 CREDIT UNION
3000 Clayton Road
Concord, California 94520
Attn: Legal Department

I declare under penalty of perjury that the foregoing is true and correct. Executed at City of Oakland, Alameda County, California on December 3, 2007.


Catherine Addison

CALENDARED

1 Christine A. Chorney, Esq. SBN 070439
 2 CASALINA & DISSTON
 3 418 Third Street, Suite 101
 4 Oakland, California 94607
 Telephone (510) 835-8110
 Facsimile (510) 835-1719

ENDORSED
 FILED
 ALAMEDA COUNTY

NOV 2 9 2007

5 Attorneys for Petitioner
 6 Sadie Marie Ford

CLERK OF THE SUPERIOR COURT
 By E. BAKER Deputy

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
 11
 12 IN AND FOR THE COUNTY OF ALAMEDA

13 SADIE MARIE FORD, as personal)
 14 representative of CLYDEL PERRY,)
 15 deceased,)

CASE NO. **126107358634**
 COMPLAINT FOR MONEY

16 Plaintiff,)

17 v.)

18 CAL STATE 9 CREDIT UNION, a)
 19 California corporation, and)
 20 DOES 1 through 20,)
 inclusive,)

21 Defendants.)
 22

Plaintiff SADIE MARIE FORD alleges:

23 1. Plaintiff is the duly appointed, qualified, and acting
 24 personal representative of the estate of CLYDEL PERRY, deceased,
 25 by virtue of an order duly made that has become final in a
 26 proceeding in the Superior Court of California, County of Alameda,
 27 titled Estate of CLYDEL PERRY, deceased, Case No. RP 06-290762,
 28

1 and brings this action in such capacity. Letters Testamentary were
2 issued to plaintiff therein on November 14, 2006 and are in full
3 force and effect.

4 2. Defendant CAL STATE 9 CREDIT UNION is, and at all times
5 herein mentioned was, a corporation duly organized and existing
6 under the laws of the State of California and doing business as a
7 credit union, with its principal place of business in Concord, in
8 the County of Contra Costa, California.

9 3. Plaintiff is ignorant of the true and names and
10 capacities of defendants sued herein as DOES 1 through 20,
11 inclusive, and therefore sues these defendants by such fictitious
12 names. Plaintiff will amend this complaint to allege their true
13 and names and capacities when ascertained. Plaintiff is informed
14 and believes and thereon alleges that each of such fictitiously
15 named defendants is responsible in some manner for the occurrences
16 herein alleged, and that plaintiff's damages as herein alleged
17 were proximately caused by such defendants.

18 4. At all times herein mentioned defendants DOES 1 through
19 20 were the agents, servants, and employees of their co-
20 defendants, and in doing the things hereinafter alleged were
21 acting in the scope of their authority as such agents, servants,
22 and employees, and with the permission and consent of their co-
23 defendants.

24 5. Plaintiff is informed and believes and thereon alleges
25 that prior to March 6, 2006 plaintiff's decedent, CLYDEL PERRY,
26 had on deposit with defendants CAL STATE 9 CREDIT UNION and DOES 1
27
28

1 through 10, inclusive, the sum of \$177,662.12, plus interest
2 accrued thereon, in account no. 79097, at defendants' branch
3 located in Concord, California.

4 6. Plaintiff is informed and believes and thereon alleges
5 that on or about March 6, 2006 defendants, and each of them, paid
6 the money on deposit in the aforesaid account to one Joyce Jeter
7 or other person who was not authorized or entitled to receive the
8 money on deposit in the aforesaid account.

9 7. On or about July 16, 2007 plaintiff, as the personal
10 representative of the estate of CLYDEL PERRY, demanded that
11 defendants and each of them, transfer the sum of \$177,662.12, plus
12 interest accrued thereon, to plaintiff.

13 8. Defendants have failed and refused, and still fail and
14 refuse to pay to plaintiff the sum of \$177,662.12, plus interest
15 accrued thereon, or any part thereof, despite plaintiff's demand;
16 the sum of \$177,662.12 plus interest accrued thereon is now due,
17 owing and unpaid from defendants to plaintiff.

18 WHEREFORE, plaintiff prays judgment against defendants, and
19 each of them, as follows:
20

21 1. For the sum of \$177,662.12;

22 2. For interest on the aforesaid sum at ten (10) percent
23 per annum from March 6, 2006;

24 3. For costs of suit herein incurred; and

25 //

26 //

27 //

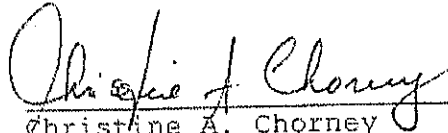
//

4. For such other and further relief as the court deems
just and proper.

Dated: November 27, 2007

CASALINA & DISSTON

By:


Christine A. Chorney
Attorney for Plaintiff
Sadie Marie Ford

Superior Court of California, County of Alameda



Notice of Judicial Assignment for All Purposes

Case Number: RG07358634

Case Title: Ford VS Cal State 9 Credit Union, a California corporation

Date of Filing: 11/29/2007

TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

This case is hereby assigned for all purposes to:

Judge:	David Hunter
Department:	520
Address:	Hayward Hall of Justice 24405 Amador Street Hayward CA 94544
Phone Number:	(510) 690-2729
Fax Number:	(510) 267-1531
Email Address:	Dept.520@alameda.courts.ca.gov

Under direct calendaring, this case is assigned to a single judge for all purposes including trial.

Please note: In this case, any challenge pursuant to Code of Civil Procedure §170.6 must be exercised within the time period provided by law. (See Govt. Code 68616(i); Motion Picture and Television Fund Hosp. v. Superior Court (2001) 88 Cal.App.4th 488, 494; and Code Civ. Proc. §1013.)

IT IS THE DUTY OF EACH PLAINTIFF AND CROSS COMPLAINANT TO SERVE A COPY OF THIS NOTICE IN ACCORDANCE WITH LOCAL RULES.

General Procedures

All pleadings and other documents must be filed in the clerk's office at any court location except when the Court permits the lodging of material directly in the assigned department. All documents, with the exception of the original summons and the original civil complaint, shall have clearly typed on the face page of each document, under the case number, the following:

ASSIGNED FOR ALL PURPOSES TO
JUDGE David Hunter
DEPARTMENT 520

Counsel are expected to know and comply with the Local Rules of this Court, which are available on the Court's website at: <http://www.alameda.courts.ca.gov/courts/rules/index.shtml> and with the California Rules of Court, which are available at www.courtinfo.ca.gov.

The parties are always encouraged to consider using various alternatives to litigation, including mediation and arbitration, prior to the Initial Case Management Conference. The Court may refer parties to alternative dispute resolution resources.

If all parties agree to change a scheduled court date, the parties must first send a fax letter to Department 520 outlining the requested schedule change and then contact the Courtroom Clerk to schedule a telephone conference with the Court.

Please submit a courtesy copy of all filed documents directly to Department 520.

Schedule for Department 520

The following scheduling information is subject to change at any time, without notice. Please contact the department at the phone number or email address noted above if you have questions.

- Trials generally are held: Mondays, Tuesdays and Thursdays from 10:00 a.m. to 4:30 p.m. and Wednesdays from 10:00 a.m. to 4:00 p.m.
- Case Management Conferences are held: Mondays through Thursdays at 9:00 a.m.
- Law and Motion matters are heard: Fridays at 9:30 a.m.
- Settlement Conferences are heard: Fridays at 1:30 p.m.
- Ex Parte matters are heard: Mondays and Wednesdays at 9:30 a.m.

Law and Motion Procedures

To obtain a hearing date for a Law and Motion or ex parte matter, parties must contact the department as follows:

- Motion Reservations
Phone: (510) 690-2729
- Ex Parte Matters
Phone: (510) 690-2729

Tentative Rulings

The court will issue tentative rulings in accordance with the Local Rules. Tentative rulings will become the Court's order unless contested in accordance with the Local Rules. Tentative rulings will be available at:

- Website: www.alameda.courts.ca.gov/domainweb, Calendar Information for Dept. 520
- Phone: 1-866-223-2244

Dated: 11/30/2007

Executive Officer / Clerk of the Superior Court

By



Deputy Clerk

CLERK'S CERTIFICATE OF MAILING

I certify that the following is true and correct: I am the clerk of the above-named court and not a party to this cause. I served this Notice by placing copies in envelopes addressed as shown on the attached Notice of Initial Case Management Conference and then by sealing and placing them for collection, stamping or metering with prepaid postage, and mailing on the date stated below, in the United States mail at Alameda County, California, following standard court practices.

Executed on 12/03/2007

By



Deputy Clerk

1
2 PROOF OF SERVICE
3

4 I, the undersigned, declare as follows:

5 I am a citizen of the United States; over the age of
6 eighteen years; and not a party to the within action. My
7 business address is 418 Third Street, Suite 101, Oakland,
8 California 94607.

9 On the date set forth below, I served the following:

10 Notice of Case Management Conference

11 and Order

12 on all interested parties by the following manner:

13 (XX) U.S. Mail: By placing a true and correct copy thereof
14 enclosed in a sealed envelope, postage prepaid, in the United
15 States mail at Oakland, California.


16 () HAND DELIVERY: By placing a true and correct copy thereof
17 in a sealed envelope to be delivered by hand to the parties
18 indicated below.

19 () OVERNIGHT MAIL DELIVERY: By placing a true and correct
20 copy thereof in a sealed envelope with delivery charges prepaid
21 and delivered to a Federal Express carrier for delivery to the
22 parties indicated below.

23 () FACSIMILE TRANSMISSION: By transmitting a true and correct
24 copy thereof by facsimile transmission from facsimile no. (510)
25 835-1719 to the parties and facsimile numbers listed below.

26 CAL STATE 9 CREDIT UNION
27 3000 Clayton Road
28 Concord, California 94520
Attn: Legal Department

I declare under penalty of perjury that the foregoing
is true and correct. Executed at City of Oakland, Alameda
County, California on December 4, 2007.

24
25
26
27
28

Catherine Addison

Casalina & Disston
Attn: Chorney, Christine A.
418 3rd St., Ste. 101
Oakland, CA 94607

Superior Court of California, County of Alameda

Ford

Plaintiff/Petitioner(s)

VS.

Cal State 9 Credit Union, a California corporation

Defendant/Respondent(s)

(Abbreviated Title)

No. RG07358634

NOTICE OF CASE MANAGEMENT CONFERENCE AND ORDER Unlimited Jurisdiction

TO ALL PARTIES AND TO THEIR ATTORNEYS OF RECORD.

Notice is given that a Case Management Conference has been scheduled as follows:

Date: 04/15/2008
Time: 09:00 AM

Department: 520

Location: Hayward Hall of Justice

3rd Floor

24405 Amador Street, Hayward CA 94544

Internet: <http://www.alameda.courts.ca.gov>

Judge: David Hunter

Clerk: Lindnell Williams

Clerk telephone: (510) 690-2729

E-mail:

Dept.520@alameda.courts.ca.gov

Fax: (510) 267-1531

ORDERS

1. You must:

- a. Serve all named defendants and file proofs of service on those defendants with the court within 60 days of the filing of the complaint (CRC 3.110(b));
- b. Give notice of this conference to any party not included in this notice and file proof of service;
- c. Meet and confer, in person or by telephone, to consider each of the issues identified in CRC 3.724 no later than 30 calendar days before the date set for the Case Management Conference;
- d. File and serve a completed Case Management Conference Statement (use of Judicial Council Form CM 110 is mandatory) at least 15 days before the Case Management Conference (CRC 3.725)

2. If you do not follow the orders above, you are hereby ordered to show cause why you should not be sanctioned under CRC 2.30. The hearing on the Order to Show Cause re: Sanctions will be at the same time as the Case Management Conference. Sanctions may include monetary sanctions and any other sanction permitted by law, including striking pleadings or dismissing the action.

3. You are further ordered to appear in person* (or through your attorney of record) at the Case Management Conference noticed above. You must be thoroughly familiar with the case and fully authorized to proceed.

4. The Direct Calendar Judge will issue orders at the conclusion of the conference that should include:

- a. Referring to ADR and setting an ADR completion date
- b. Dismissing or severing claims or parties
- c. Setting a trial date.

*Telephonic appearances at Case Management Conferences may be available by contacting CourtCall, an independent vendor, at least 3 business days prior to the scheduled conference. Parties may make arrangements by calling 1-888-882-6878, or faxing a service request to 1-888-882-2946. This service is subject to charges by the vendor.

CLERK'S CERTIFICATE OF MAILING

I certify that the following is true and correct: I am the clerk of the above-named court and not a party to this cause. I served this Notice of Hearing by placing copies in envelopes addressed as shown hereon and then by sealing and placing them for collection, stamping or metering with prepaid postage, and mailing on the date stated below, in the United States mail at Alameda County, California, following standard court practices.

Executed on 12/03/2007.

By



Deputy Clerk

RECEIVED DEC 07 2007

SUM-100

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

CAL STATE 9 CREDIT UNION, a California corporation,
and DOES 1 through 20, inclusive

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

SADIE MARIE FORD, as personal representative of
CLYDE PERRY, deceased

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ENDORSED
FILED
ALAMEDA COUNTY

NOV 29 2007

CLERK OF THE SUPERIOR COURT
By E. BAKER

CALENDARED

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto al desear que procesen su caso en la corte. Es posible que haya un formulario que usted puede usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida el secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia. Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol) o poniéndose en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:
(El nombre y dirección de la corte es):

Superior of California
County of Alameda, Unlimited Civil Jurisdiction
1225 Fallon Street, Oakland, CA 94612

CASE NUMBER
(Número del caso) **907358634**

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):
Christine A. Chorney, Esq. SBN 070439

CASALINA & DISSTON, 418 Third Street, Suite 101, Oakland, CA 94607 (510) 835-8110 (510) 835-1719

DATE: **NOV 29 2007**
(Fecha)

Pat S. Sweeten

Clerk, by **E. BAKER**
(Secretaria)

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010)).

(SEAL)

NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):

- ☒ on behalf of (specify): **CAL STATE CREDIT UNION**

- under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):

- ☒ by personal delivery on (date): **12-3-07**

Form Adopted for Mandatory Use
Judicial Council of California
SUM-100 (Rev. January 1, 2004)

SUMMONS

Page 1 of 1
Code of Civil Procedure §§ 412.20, 465

Amesbury Legal, Inc. www.J2CourtForms.com

*Recd. 3rd of December
Earl P. H.*

SUMMONS (CITACION JUDICIAL)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

CAL STATE 9 CREDIT UNION, a California corporation,
and DOES 1 through 20, inclusive

YOU ARE BEING SUED BY PLAINTIFF:

(U. O. ESTÁ DEMANDANDO EL DEMANDANTE):

SADIE MARIE FORD, as personal representative of
CLYDEL PERRY, deceased

SUM-100
FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

ENDORSED
FILED
ALAMEDA COUNTY

NOV 29 2007

CLERK OF THE SUPERIOR COURT
By E. BAKER

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association.

Tiene 30 días de calendario después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted puede usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/), en la biblioteca de leyes de su condado o en la corte que lo quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de costas. Si no presenta su respuesta a tiempo, puede perder el caso por inatención y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California (www.courtinfo.ca.gov/selfhelp/espanol/) o pidiéndoselo en contacto con la corte o el colegio de abogados locales.

The name and address of the court is:

(El nombre y dirección de la corte es):

Superior of California

County of Alameda, Unlimited Civil Jurisdiction

1225 Fallon Street, Oakland, CA 94612

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is:

(El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

Christine A. Chomey, Esq. SBN 070439

CASALINA & DISSTON, 418 Third Street, Suite 101, Oakland, CA 94607 (510) 885-8110 (510) 835-1719

DATE: NOV 29 2007

(Fecha)

Clerk, by E. BAKER

(Secretary)

Deputy

(Adjunct)

(For proof of service of this summons, use Proof of Service of Summons (form FOS-010)).
(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (FOS-010)).

(SEAL)

NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant.
- ☐ as the person sued under the fictitious name of (specify):
- ☐ on behalf of (specify):
under: ☐ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
- ☐ by personal delivery on (date):

Form Approved for Mandatory Use
Judicial Council of California
SUM-100 (Rev. January 1, 2004)

SUMMONS

Page 1 of 1
Code of Civil Procedure §§ 412.20, 403
American LegalNet, Inc. | www.legalnet.com

RECEIVED DEC 05 2007

Christine A. Chorney, Esq. SBN 070439
CASALINA & DISSTON
418 Third Street, Suite 101
Oakland, California 94607
Telephone (510) 835-8110
Facsimile (510) 835-1719

Attorneys for Petitioner
Sadie Marie Ford

RECORDED
FILED
ALAMEDA COUNTY

NOV 28 2007

CLERK OF THE SUPERIOR COURT
By E. BAKER Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

SADIE MARIE FORD, as personal
representative of CLYDEL PERRY,
deceased,

Plaintiff,

v.

CAL STATE 9 CREDIT UNION, a
California corporation, and
DOES 1 through 20,
inclusive,

Defendants.

CASE NO. **12607358634**
COMPLAINT FOR MONEY

Plaintiff SADIE MARIE FORD alleges:

1. Plaintiff is the duly appointed, qualified, and acting
personal representative of the estate of CLYDEL PERRY, deceased,
By virtue of an order duly made that has become final in a
proceeding in the Superior Court of California, County of Alameda,
titled Estate of CLYDEL PERRY, deceased, Case No. RP 06-290762,

and brings this action in such capacity. Letters Testamentary were issued to plaintiff therein on November 14, 2006 and are in full force and effect.

2. Defendant CAL STATE 9 CREDIT UNION is, and at all times herein mentioned was, a corporation duly organized and existing under the laws of the State of California and doing business as a credit union, with its principal place of business in Concord, in the County of Contra Costa, California.

3. Plaintiff is ignorant of the true and names and capacities of defendants sued herein as DOES 1 through 20, inclusive, and therefore sues these defendants by such fictitious names. Plaintiff will amend this complaint to allege their true and names and capacities when ascertained. Plaintiff is informed and believes and thereon alleges that each of such fictitiously named defendants is responsible in some manner for the occurrences herein alleged, and that plaintiff's damages as herein alleged were proximately caused by such defendants.

4. At all times herein mentioned defendants DOES 1 through 20 were the agents, servants, and employees of their co-defendants, and in doing the things hereinafter alleged were acting in the scope of their authority as such agents, servants, and employees, and with the permission and consent of their co-defendants.

5. Plaintiff is informed and believes and thereon alleges that prior to March 6, 2006 plaintiff's decedent, CLYDE L. PERRY, had on deposit with defendants CAL STATE 9 CREDIT UNION and DOES 1

1 through 10, inclusive, the sum of \$177,662.12, plus interest
 2 accrued thereon, in account no. 79097, at defendants' branch
 3 located in Concord, California.

4 6. Plaintiff is informed and believes and thereon alleges
 5 that on or about March 6, 2006 defendants, and each of them, paid
 6 the money on deposit in the aforesaid account to one Joyce Jeter
 7 or other person who was not authorized or entitled to receive the
 8 money on deposit in the aforesaid account.

9 7. On or about July 16, 2007 plaintiff, as the personal
 10 representative of the estate of CLYDE PERRY, demanded that
 11 defendants and each of them, transfer the sum of \$177,662.12, plus
 12 interest accrued thereon, to plaintiff.

13 8. Defendants have failed and refused, and still fail and
 14 refuse to pay to plaintiff the sum of \$177,662.12, plus interest
 15 accrued thereon, or any part thereof, despite plaintiff's demand;
 16 the sum of \$177,662.12 plus interest accrued thereon is now due,
 17 owing and unpaid from defendants to plaintiff.

18 WHEREFORE, plaintiff prays judgment against defendants, and
 19 each of them, as follows:
 20

- 21 1. For the sum of \$177,662.12;
- 22 2. For interest on the aforesaid sum at ten (10) percent
 23 per annum from March 6, 2006;
- 24 3. For costs of suit herein incurred; and

25 //

26 //

27 //

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28


//

4. For such other and further relief as the court deems
just and proper.

Dated: November 27, 2007

CASALINA & DISSTON

By:


Christine A. Chorney
Attorney for Plaintiff
Sadie Marie Ford

PROOF OF SERVICE

I, the undersigned, declare as follows:

I am a citizen of the United States; over the age of eighteen years; and not a party to the within action. My business address is 418 Third Street, Suite 101, Oakland, California 94607.

On the date set forth below, I served the following:

Summons, and

Complaint for Money

on all interested parties by the following manner:

(XX) U.S. Mail: By placing a true and correct copy thereof enclosed in a sealed envelope, postage prepaid, in the United States mail at Oakland, California.


() HAND DELIVERY: By placing a true and correct copy thereof in a sealed envelope to be delivered by hand to the parties indicated below.

() OVERNIGHT MAIL DELIVERY: By placing a true and correct copy thereof in a sealed envelope with delivery charges prepaid and delivered to a Federal Express carrier for delivery to the parties indicated below.

() FACSIMILE TRANSMISSION: By transmitting a true and correct copy thereof by facsimile transmission from facsimile no. (510) 835-1719 to the parties and facsimile numbers listed below.

CAL STATE 9 CREDIT UNION
3000 Clayton Road
Concord, California 94520
Attn: Legal Department

I declare under penalty of perjury that the foregoing is true and correct. Executed at City of Oakland, Alameda County, California on December 3, 2007.


Catherine Addison

Christine A. Chorney, Esq. SBN 070439
CASALINA : DISSTON
418 Third Street, Suite 101
Oakland, California 94607
Telephone (510) 835-8110
Facsimile (510) 835-1719

ENDORSED
FILED
ALAMEDA COUNTY

NOV 29 2007

Attorneys for Petitioner
Sadie Marie Ford

CLERK OF THE SUPERIOR COURT
BY E. BAKER Deputy

SUPERIOR COURT OF THE STATE OF CALIFORNIA

IN AND FOR THE COUNTY OF ALAMEDA

SADIE MARIE FORD, as personal
representative of CLYDEL PERRY,
deceased,

CASE NO. **LG107358634**
COMPLAINT FOR MONEY

Plaintiff,

v.

CAL STATE 9 CREDIT UNION, a
California corporation, and
DOES 1 through 20,
inclusive,

Defendants.

Plaintiff SADIE MARIE FORD alleges:

1. Plaintiff is the duly appointed, qualified, and acting
personal representative of the estate of CLYDEL PERRY, deceased,
by virtue of an order duly made that has become final in a
proceeding in the Superior Court of California, County of Alameda,
titled Estate of CLYDEL PERRY, deceased, Case No. RP 06-290762,

1 and brings this action in such capacity. Letters Testamentary were
2 issued to plaintiff therein on November 14, 2006 and are in full
3 force and effect.

4 2. Defendant CAL STATE 9 CREDIT UNION is, and at all times
5 herein mentioned was, a corporation duly organized and existing
6 under the laws of the State of California and doing business as a
7 credit union, with its principal place of business in Concord, in
8 the County of Contra Costa, California.

9 3. Plaintiff is ignorant of the true and names and
10 capacities of defendants sued herein as DOES 1 through 20,
11 inclusive, and therefore sues these defendants by such fictitious
12 names. Plaintiff will amend this complaint to allege their true
13 and names and capacities when ascertained. Plaintiff is informed
14 and believes and thereon alleges that each of such fictitiously
15 named defendants is responsible in some manner for the occurrences
16 herein alleged, and that plaintiff's damages as herein alleged
17 were proximately caused by such defendants.

18 4. At all times herein mentioned defendants DOES 1 through
19 20 were the agents, servants, and employees of their co-
20 defendants, and in doing the things hereinafter alleged were
21 acting in the scope of their authority as such agents, servants,
22 and employees, and with the permission and consent of their co-
23 defendants.

24 5. Plaintiff is informed and believes and thereon alleges
25 that prior to March 6, 2006 plaintiff's decedent, CLYDE FERRY,
26 had on deposit with defendants CAL STATE 9 CREDIT UNION and DOES 1
27

1 through 10, inclusive, the sum of \$177,662.12, plus interest
 2 accrued thereon, in account no. 79097, at defendants' branch
 3 located in Concord, California.

4 6. Plaintiff is informed and believes and thereon alleges
 5 that on or about March 6, 2006 defendants, and each of them, paid
 6 the money on deposit in the aforesaid account to one Joyce Jeter
 7 or other person who was not authorized or entitled to receive the
 8 money on deposit in the aforesaid account.

9 7. On or about July 16, 2007 plaintiff, as the personal
 10 representative of the estate of CLYDEL PERRY, demanded that
 11 defendants and each of them, transfer the sum of \$177,662.12, plus
 12 interest accrued thereon, to plaintiff.

13 8. Defendants have failed and refused, and still fail and
 14 refuse to pay to plaintiff the sum of \$177,662.12, plus interest
 15 accrued thereon, or any part thereof, despite plaintiff's demand;
 16 the sum of \$177,662.12 plus interest accrued thereon is now due,
 17 owing and unpaid from defendants to plaintiff.

18 WHEREFORE, plaintiff prays judgment against defendants, and
 19 each of them, as follows:
 20

21 1. For the sum of \$177,662.12;

22 2. For interest on the aforesaid sum at ten (10) percent
 23 per annum from March 6, 2006;

24 3. For costs of suit herein incurred; and

25 //

26 //

27 //

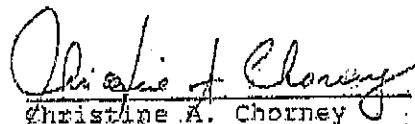
1 //

2 4. For such other and further relief as the court deems
3 just and proper.

4
5 Dated: November 27, 2007

CASALIMA & DISSTON

6
7
8 By:


Christine A. Chorney
Attorney for Plaintiff
Sadie Marie Ford

JS 44 (Rev. 12/07) (cand rev 1-16-08)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON PAGE TWO OF THE FORM.)

I. (a) PLAINTIFFS Sadie Marie Ford as personal representative of Clydel Perry, deceased	DEFENDANTS Cal State 9 Credit Union, a California Corporation; and DOES 1 through 20, inclusive
(b) County of Residence of First Listed Plaintiff (EXCEPT IN U.S. PLAINTIFF CASES) (c) Attorney's (Firm Name, Address, and Telephone Number) Christine A. Chorney Casalina & Disston 418 Third Street, Ste. 101 Oakland, CA 94607 Tel: (510) 835-8100	County of Residence of First Listed Defendant (IN U.S. PLAINTIFF CASES ONLY) NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED. Attorneys (If Known) Timothy J. McCaffery and Leora R. Ragonas Lombardi, Loper & Conant, LLP 1999 Harrison Street, Ste. 2600 Oakland, CA 94612 Tel: (510) 433-2600

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)	III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)																								
<input type="checkbox"/> 1 U.S. Government Plaintiff <input type="checkbox"/> 2 U.S. Government Defendant <input checked="" type="checkbox"/> 3 Federal Question (U.S. Government Not a Party) <input type="checkbox"/> 4 Diversity (Indicate Citizenship of Parties in Item III)	(For Diversity Cases Only) <table style="width:100%;"> <tr> <th></th> <th>PTF</th> <th>DEF</th> <th></th> <th>PTF</th> <th>DEF</th> </tr> <tr> <td>Citizen of This State</td> <td><input type="checkbox"/> 1</td> <td><input type="checkbox"/> 1</td> <td>Incorporated or Principal Place of Business in This State</td> <td><input type="checkbox"/> 4</td> <td><input type="checkbox"/> 4</td> </tr> <tr> <td>Citizen of Another State</td> <td><input type="checkbox"/> 2</td> <td><input type="checkbox"/> 2</td> <td>Incorporated and Principal Place of Business in Another State</td> <td><input type="checkbox"/> 5</td> <td><input type="checkbox"/> 5</td> </tr> <tr> <td>Citizen or Subject of a Foreign Country</td> <td><input type="checkbox"/> 3</td> <td><input type="checkbox"/> 3</td> <td>Foreign Nation</td> <td><input type="checkbox"/> 6</td> <td><input type="checkbox"/> 6</td> </tr> </table>		PTF	DEF		PTF	DEF	Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4	Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5	Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6
	PTF	DEF		PTF	DEF																				
Citizen of This State	<input type="checkbox"/> 1	<input type="checkbox"/> 1	Incorporated or Principal Place of Business in This State	<input type="checkbox"/> 4	<input type="checkbox"/> 4																				
Citizen of Another State	<input type="checkbox"/> 2	<input type="checkbox"/> 2	Incorporated and Principal Place of Business in Another State	<input type="checkbox"/> 5	<input type="checkbox"/> 5																				
Citizen or Subject of a Foreign Country	<input type="checkbox"/> 3	<input type="checkbox"/> 3	Foreign Nation	<input type="checkbox"/> 6	<input type="checkbox"/> 6																				

IV. NATURE OF SUIT (Place an "X" in One Box Only)					
CONTRACT <input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury	PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury—Med. Malpractice <input type="checkbox"/> 365 Personal Injury—Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	FORFEITURE/PENALTY <input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus—Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	BANKRUPTCY <input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	OTHER STATUTES <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input checked="" type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities—Employment <input type="checkbox"/> 446 Amer. w/Disabilities—Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition			

V. ORIGIN (Place an "X" in One Box Only)	Transferred from
<input type="checkbox"/> 1 Original Proceeding <input checked="" type="checkbox"/> 2 Removed from State Court <input type="checkbox"/> 3 Remanded from Appellate Court <input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 another district (specify) <input type="checkbox"/> 6 Multidistrict Litigation <input type="checkbox"/> 7 Judge from Magistrate Judgment

VI. CAUSE OF ACTION	Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity): 12 USC Section 1787, Section 1789 Brief description of cause: Complaint for money paid out of deceased credit union member account
----------------------------	------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

VII. REQUESTED IN COMPLAINT:	<input type="checkbox"/> CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23 <input type="checkbox"/> DEMAND \$ CHECK YES only if demanded in complaint: JURY DEMAND: <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
-------------------------------------	--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

VIII. RELATED CASE(S) IF ANY	PLEASE REFER TO CIVIL L.R. 3-12 CONCERNING REQUIREMENT TO FILE "NOTICE OF RELATED CASE".
-------------------------------------	------------------------------------------------------------------------------------------

IX. DIVISIONAL ASSIGNMENT (CIVIL L.R. 3-2) (PLACE AND "X" IN ONE BOX ONLY)	<input checked="" type="checkbox"/> SAN FRANCISCO/OAKLAND <input type="checkbox"/> SAN JOSE
-----------------------------------------------------------------------------------	---------------------------------------------------------------------------------------------

DATE July 29, 2008	SIGNATURE OF ATTORNEY OF RECORD
-----------------------	-------------------------------------